APPROPRIATIONS, BUDGET ESTIMATES, ETC.

VOL. 2

STATEMENTS

NINETY-NINTH CONGRESS, SECOND SESSION

(January 21, 1986 to October 18, 1986)

SHOWING

I.–MAJOR ACTS AUTHORIZING APPROPRIATIONS–Continued (pp. 1793–3015)

II.–PERMANENT APPROPRIATIONS–FEDERAL FUNDS (pp. 3017–3032)

III.–PERMANENT APPROPRIATIONS–TRUST FUNDS (pp. 3033–3046)

IV.–RECAPITULATION OF APPROPRIATIONS (pp. 3047–3057)

V.–CHRONOLOGICAL HISTORY OF REGULAR AND SUPPLEMENTAL APPROPRIATION BILLS (pp. 3060–3067)

VI.–AMOUNT OF LOAN AND BORROWING AUTHORIZATIONS, CONTRACT AUTHORIZATIONS, AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS (pp. 3069–3073)

VII.–AUTHORIZATIONS FOR APPROPRIATIONS (pp. 3075–3078)

VIII.–COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS (pp. 3079–3207)

IX–COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS (pp. 3209–3216)

X.–TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS (pp. 3217–3226)

PREPARED UNDER THE DIRECTION OF THE COMMITTEES ON APPROPRIATIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY LAW (U.S. CODE, TITLE 2, SECTION 105)

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S-180-3

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1988

COMPILERS' NOTES

1. The Legislative Appropriation Act approved June 7, 1924, provided:

   "In lieu of the data relating to offices created and omitted and salaries increased and reduced, the statement shall hereafter contain such additional information concerning estimates and appropriations, as the committees may deem necessary."

   Such data had been tabulated in previous volumes of this work for each session of Congress from the Fiftieth to the Sixty-seventh, inclusive, covering the fiscal years 1889 to 1924, inclusive.

2. This compilation contains laws affecting, rescinding, or making appropriations which were enacted during the second session of the 99th Congress with the exception of private relief acts containing appropriations. These acts have been omitted from this compilation, but a summary containing the number of the act, the beneficiaries, and the amount appropriated is included.

   There were *twenty-five* appropriation bills and resolutions acted upon to some extent by the Congress during the second session of the 99th Congress (twenty-three were House bills and two were Senate bills) and eight of those bills eventually became law (three were supplementals and five were continuing resolutions). *None* of the thirteen regular annual appropriation bills became law except through the continuing resolution process: *H.R. 5177*—Agriculture, Rural Development, and Related Agencies Appropriations for 1987 passed the House and was reported by the Senate Committee on Appropriations with no further action taken by the Senate; *H.R. 5161*—Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations for 1987 was reported by the House Committee on Appropriations and also by the Senate Committee on Appropriations with no further action taken by either the House or Senate; *H.R. 5438*—Department of Defense Appropriations for 1987 was reported by the House Committee on Appropriations while a companion bill (S. 2827) was reported by the Senate Committee on Appropriations with no further action taken by either the House or Senate; *H.R. 5175*—District of Columbia Appropriations for 1987 was passed by both the House and Senate but was conferenced as part of H.J. Res. 738; *H.R. 5162*—Energy and Water Development Appropriations for 1987 passed the House and was reported by the Senate Committee on Appropriations with no further action taken by the Senate; *H.R. 5339*—Foreign Assistance and Related Agencies Appropriations for 1987 was reported by the House Committee on Appropriations while a companion bill (S. 2824) was reported by the Senate Committee on Appropriations with no further action taken by either the House or Senate; *H.R. 5313*—Department of Housing and Urban Development—Independent Agencies Appropriations for 1987 did not advance in the Legislative process beyond the filing of a conference report in the House; *H.R. 5234*—Department of the Interior and Related Agencies Appropriations for 1987 was passed by both the House and Senate and a conference report was filed in the House with no further action taken; *H.R. 5233*—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations for 1987 did not advance in the legislative process beyond the filing of a conference report in the House; *H.R. 5203*—Legislative Branch Appropriations for 1987 did not advance in the legislative process beyond the filing of a conference report in the House; *H.R. 5052*—Military Construction Appropriations for 1987 was passed by both the House and Senate but no conference report was filed; *H.R. 5205*—Department of Transportation and Related Agencies Appropriations for 1987 did not advance in the legislative process beyond the filing of a conference report in the House; and *H.R. 5294*—Treasury, Postal Service, and General Government Appropriations for 1987 passed the House and was reported by the Senate Committee on Appropriations with no further action taken by the Senate.

   In addition to the thirteen annual appropriation bills that were not enacted into law, *one* continuing resolution (H.J. Res. 730) was reported by the House Committee on Appropriations but did not advance further in the legislative process while *another* continuing resolution (H.J. Res. 748) was vetoed by the President October 9, 1986, and no action was taken by the Congress to override the Presidential veto. A chronology of all twenty-five bills is included in table V, volume 2 (see pp. 3060–3067).

Financing of programs and activities normally included in the thirteen regular annual appropriation bills that did not become law is provided through five continuing resolutions as follows:

—Public Law 99-434 for the period October 1-October 8, 1986;
—Public Law 99-464 for the period October 9-October 10, 1986;
—Public Law 99-465 for the period October 11-October 15, 1986;
—Public Law 99-491 for the period October 16, 1986; and
—Public Law 99-591[1] for the period October 18, 1986–September 30, 1987.

For further information concerning each of the thirteen regular annual appropriation bills that did not become law, see the "note" at the beginning of each of those bills (pp. 47, 49, 51, 53, 55, 57, 59, 91, 93, 127, 143, 145, and 173).

There were no separate "rescission acts" or "deferral resolutions" during the 99th Congress, second session; however, several rescissions and deferrals were included in appropriation acts. It should be noted that amounts *proposed* for rescission are not reflected in the *net totals* for new budget (obligational) authority shown in the various tabulations throughout this volume whereas *amounts rescinded are reflected* in those totals.

3. This volume also contains various comparative tabulations for the session showing, by fiscal years and in both detailed and summarized form, the Presidential budget estimates (requests) for "appropriations" and certain other types of requests involving the appropriation of obligating and spending authority.

4. While required by the Constitution as a necessary prerequisite to the withdrawal of *any* money from the Treasury, through long usage the term "appropriation" acquired a definite, technical word-of-art meaning in relating to many details and summaries in the annual budget of the President, in the making available of obligational and spending authority, and in tabulations and summarizations of congressional fiscal actions. If the proposition did not "appropriate" within the concept thus imparted to the term, then it was not added in the "appropriation" totals. If it did so "appropriate", it was added in.

Thus, in congressional tabulations generally, a "reappropriation" (extension) of a balance of a previous appropriation was not added to the "appropriation" totals even though it provided obligational and spending authority beyond what would in its absence have been the case. An "authorization to expend from debt receipts" (sometimes called "public debt borrowing authority") was not counted as an "appropriation" even though it conveyed both authority to obligate and authority to expend. An authorization to enter into contracts in advance of an appropriation ("contract authorization"), being authority to obligate the Government but not to *expend* money, was not added in the general "appropriation" totals. But a subsequent "appropriation to liquidate" that contract authorization—an authority to expend money but not to create additional obligations—was counted as an "appropriation".

Furthermore, historically, prior to fiscal year 1969 the general budgetary and congressional appropriation totals were arranged and presented so as to give greater emphasis and prominence to those dealing with Federal or Federally-owned funds, as distinct from *trust* funds which the Government theoretically holds in a fiduciary capacity. Although prior to fiscal year 1938 (75th Cong., 1st sess.) such trust funds were relatively insignificant in the total appropriations picture they subsequently came to loom large, and while *separately* tabulated and noted in volumes of this work *previous* to the 90th Cong., 2d sess., they were not included in the aggregate totals, of "appropriations" generally emphasized and cited. (See note, table X, in volumes *prior* to the 90th Cong., 2d sess.). But in subsequent volumes, including this volume, they *are* incorporated in general appropriation totals.

Title 31 U.S.C., section 2, dealing with the national budget system, provides that the term "appropriations" includes, in appropriate context "* * * funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure."

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[1] The Committees on Appropriations of the House and the Senate agreed to the conference report on H.J. Res. 738 on October 17, 1986, and a version of H.J. Res. 738 with three pages missing from the enrolled copy was signed by the President October 18, 1986, as Public Law 99-500. The second enrolled copy included the three missing pages and was signed October 30, 1986, as Public Law 99-591.

Special Note.—A further significant departure in what is now included in several general summary tabulations, which was not so included in these volumes *prior* to the 90th Cong., 2d sess., has to do with obligational or spending authority (including rescissions) conveyed in acts other than the regular annual and supplemental "appropriation" acts. Copies of such acts, and certain specific tabulations related to them, usually appear in one way or another in such prior volumes, but the amounts were not cranked directly into a number of the overall summary tabulations as had been done in volumes beginning with the 90th Cong., 2d sess. This especially affects tables VIII, IX, and X. To retain some consistency of ready identity as between amounts relating to the regular annual and supplemental "appropriation" acts and amounts relating to "appropriations in legislative acts", there is a breakout among these lines in each of these three tables (in some years, the "legislative act" amounts are quite significant, relatively. And sometimes, it is not easy or possible to nail down with absolute precision the amounts involved in the "budget estimates" or the amounts "appropriated"). The total new budget (obligational) authority in these tables are net amounts reflecting rescissions in regular annual and supplemental appropriation acts, rescission acts, and legislative acts.

A new, *unified* budget concept recommended by the President's Commission on Budget Concepts in its report of October 10, 1967, was embraced by the President, and the Budget for 1969 incorporated most of its basic features. The object was to secure usage, as nearly as may be practicable, of a *single* concept of appropriations, receipts, expenditures, lending, and debt in order to promote public and congressional understanding of Federal fiscal and budget actions and matters. The various comparative tabulations and summaries in this volume conform generally to the new concept in respect to "appropriations."

(For a more detailed exposition of the new concept, see the Report of the Commission, especially in relation to "appropriation", pp. 6, 12, 16, 76, 95, and 100; Special Analysis A, the Budget for 1969; and hearings of February 8, 1968, before the Committee on Appropriations, House of Representatives, on the Budget for 1969, p. 40 and following.)

Thus, in lieu of the terms "Estimates" and "Appropriations" used in volumes previous to the 90th Cong., 2d sess., subsequent volumes, including this volume, use the terms "Budget estimates of new (obligational) authority" and "New budget (obligational) authority appropriated". In broad terms, by far the major single difference between aggregate general totals in this volume in contrast to those in volumes previous to the 90th Cong., 2d sess., is the inclusion, in this volume, of *trust* funds (virtually all of which, incidentally, in any session or year, flow automatically from permanent-type enactment of *previous* sessions that thus do not require action in bills of the *current* session). And even under the new concept, in all but a relative handful of instances, the new budget (obligational) authority "requested" and "appropriated" is in the old, conventional "appropriation" form as previously used and understood.

Specifically, "new budget (obligational) authority" is derived by—

Appropriations (as herein above described) excluding appropriations to liquidate contract authorizations; plus
Reappropriations; plus
Contract authorizations; plus
Authorizations to spend from debt receipts.

It must be noted that there are, within the Government, certain inter-fund and intragovernmental payments between accounts that get counted in both places. Principal examples include: Interest on public debt securities held by trust funds; governmental contributions to employee retirement trust funds; and general fund contributions to various insurance programs. And under the new unified concept, certain "proprietary receipts from the public" are offset against budget authority *for budget summary presentation* purposes. This situation can complicate if a simple addition of Federal fund totals and trust fund totals is made without reckoning with this "deduct" problem. [Note.—The aggregate "deduct" figure of $194,691,075,000 for fiscal year 1987 used in several of the summary tables in this volume is the *estimated* amount relating to fiscal year 1987 shown on page 6e-19 of the Budget for 1987. Being an estimate, the "deduct" figure is *subject to revision* as actual data become available; and an updated amount for fiscal 1987 will appear in the budget for 1988.]

5. The Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, changed the fiscal year from the July 1-June 30 fiscal year to an October 1-September 30 fiscal year, and provided for the change to take place with the fiscal year beginning October 1, 1976 (fiscal year 1977). However, the preceding fiscal year (1976) ran from July 1, 1975 through June 30, 1976, thus providing a three-month interim period (July 1-September 30, 1976) for the necessary transition to the new fiscal year. This volume and the nine previous volumes are based upon the October 1-September 30 fiscal year.

   Title X (the "Impoundment Control Act of 1974") of the Congressional Budget and Impoundment Control Act of 1974 established new procedures for the reporting and control of impoundment actions of the President. Included in this volume are reports showing the status of rescissions and deferrals for fiscal year 1986 and the first 3 months of fiscal year 1987.

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[1] Majority and minority members elected February 21, 1985.
[2] Majority and minority members elected January 30, 1985.
[3] Deceased April 10, 1986.
[4] Elected to the Committee May 1, 1986.
[5] Deceased July 17, 1986.
[6] Elected to the Committee July 23, 1986.

CONTENTS

Page

1. Urgent Supplemental Appropriations for the Department of Agriculture, 1986 1
2. Second Urgent Supplemental Appropriations for the Department of Agriculture, 1986 3
3. Urgent Supplemental Appropriations Act, 1986 5
4. Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 47
5. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 49
6. Department of Defense Appropriation Bill, 1987 51
7. District of Columbia Appropriation Bill, 1987 53
8. Energy and Water Development Appropriation Bill, 1987 55
9. Foreign Assistance and Related Programs Appropriations Bill, 1987 57
10. Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1987 59
11. Department of the Interior and Related Agencies Appropriations Bill, 1987 91
12. Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 93
13. Legislative Branch Appropriations Bill, 1987 127
14. Military Construction Appropriation Bill, 1987 143
15. Department of Transportation and Related Agencies Appropriation Bill, 1987 145
16. Treasury, Postal Service, and General Government Appropriations Bill, 1987 173
17. Continuing Appropriations, 1987 177
18. Further Continuing Appropriations, 1987 181
19. Second Further Continuing Appropriations, 1987 185
20. Third Further Continuing Appropriations, 1987 187
21. Fourth Further Continuing Appropriations, 1987 189
22. Status reports on rescissions and deferrals 557
23. Deferral resolutions 573
24. Miscellaneous acts authorizing or containing appropriations 575
25. Recapitulation of miscellaneous private acts 3015
26. Permanent appropriations—Federal funds 3017
27. Permanent appropriations—Trust funds 3033
28. Recapitulation of appropriations 3047
29. Chronological history of appropriations 3060
30. Comparison of budget estimates and loan and borrowing authorizations, contract authorizations, and appropriations to liquidate contract authorizations 3069
31. Authorizations for appropriations 3075
32. Comparison of budget estimates and appropriations 3079
33. Comparison of budget estimates and appropriations by sessions of Congress 3209
34. Total appropriations by sessions of Congress 3217
35. Index I

Public Law 99-270
99th Congress

100 STAT. 80

Joint Resolution

Making a repayable advance to the Hazardous Substance Response Trust Fund.

Apr. 1, 1986
[H.J. Res. 573]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That language under the heading "Environmental Protection Agency, Hazardous Substance Response Trust Fund" in Public Law 99-160, is amended by deleting "as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), $900,000,000, to be derived from the Hazardous Substance Response Trust Fund", and inserting in lieu thereof "including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), $900,000,000, of which $750,000,000 shall be derived from the Hazardous Substance Response Trust Fund and $150,000,000 shall be derived from an advance from the general fund of the Treasury to the Hazardous Substance Response Trust Fund to be repaid in accordance with section 223(c)(3) of Public Law 96-510 and notwithstanding section 223(c)(2)(D) of Public Law 96-510: *Provided,* That none of the $150,000,000 shall be available for obligation after May 31, 1986,".

99 Stat. 916.

42 USC 9633.

Approved April 1, 1986.

LEGISLATIVE HISTORY—H.J. Res. 573:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Mar. 20, considered and passed House.
Mar. 21, considered and passed Senate.

Public Law 99-294
99th Congress

100 STAT. 418

An Act

To implement certain recommendations made pursuant to Public Law 98-360.

May 12, 1986
[H.R. 1116]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Garrison Diversion Unit Reformulation Act of 1986.
Water.
North Dakota.
Research and development.

SECTION 1. PURPOSE AND AUTHORIZATION.

The first section of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by striking out "That" and all that follows down through the period at the end of such section and substituting:

"SECTION 1. (a) The Congress declares that the purposes of this Act are to:

"(1) implement the recommendations of the Garrison Diversion Unit Commission Final Report (dated December 20, 1984) in the manner specified by this Act;

"(2) meet the water needs of the State of North Dakota, including municipal, rural and industrial water needs, as identified in the Garrison Diversion Unit Commission Final Report;

"(3) minimize the environmental impacts associated with the construction and operation of the Garrison Diversion Unit;

36 Stat. 2448.

"(4) assist the United States in meeting its responsibilities under the Boundary Waters Treaty of 1909;

"(5) assure more timely repayment of Federal funds expended for the Garrison Diversion Unit;

"(6) preserve any existing rights of the State of North Dakota to use water from the Missouri River; and

Agriculture and agricultural commodities.

"(7) offset the loss of farmland within the State of North Dakota resulting from the construction of major features of the Pick-Sloan Missouri Basin Program, by means of a federally-assisted water resource development project providing irrigation for 130,940 acres of land.

"(b) The Secretary of the Interior (hereafter referred to as "the Secretary") is authorized to plan and construct a multi-purpose water resource development project within the State of North Dakota providing for the irrigation of 130,940 acres, municipal, rural, and industrial water, fish and wildlife conservation and development, recreation, flood control, and other project purposes in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and substantially in accordance with the plans set out in the Garrison Diversion Unit Commission Final Report dated December 20, 1984.

43 USC 371 notes.

"(c) Nothing in this Act is intended, nor shall be construed, to preclude the State of North Dakota from seeking Congressional authorization to plan, design, and construct additional Federally-assisted water resource development projects in the future.

"(d) Nothing in this Act shall be deemed to diminish the quantity of water from the Missouri River which the State of North Dakota may beneficially use, pursuant to any right or rights it may have under Federal law existing immediately before the date of enactment of this Act and consistent with the treaty obligations of the United States.

100 STAT. 419

"(e) The authorization for all features of the Missouri-Souris Unit of the Pick-Sloan Missouri Basin Program located in the State of North Dakota, heretofore authorized in section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891), for which no funds have been appropriated for construction, and which are not authorized for construction by this Act, is hereby terminated, and sections 1 and 6 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) are hereby repealed.

"(f) In implementing the provisions of this Act, the Secretary is directed to construct all supply works to the capacity identified in the Garrison Diversion Unit Commission Final Report, except that the Secretary is directed to construct the James River Feeder Canal to a capacity of no more than 450 cubic feet per second, and the Sykeston Canal to the capacity specified in section 8(a)(1) of this Act.

Post, p. 423.

"(g) Where features constructed by the Secretary are no longer used to full capacity pursuant to the recommendations of the Garrison Diversion Unit Commission Final Report, that portion of the Secretary's investment attributable to the construction of such unused capacity shall be nonreimbursable.".

SEC. 2. FISH AND WILDLIFE.

Section 2 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new subsections at the end thereof:

"(i) Notwithstanding any other provisions of this section, the mitigation for fish and wildlife losses incurred as a result of construction of the project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction.

"(j) The Secretary is directed to implement the provisions of the Garrison Diversion Unit Commission Final Report with respect to fish and wildlife conservation, including habitat impacts, mitigation procedures, and enhancement, except for the following:

Conservation.

"(1) The Secretary shall take no action to alter the status of Sheyenne Lake National Wildlife Refuge prior to the completion of construction of Lonetree Dam and Reservoir.

"(2) Development and implementation of the mitigation and enhancement plan for fish and wildlife resources impacted by construction and operation of the Garrison Diversion Unit shall not be limited by the cost constraints based on estimates contained in the Garrison Diversion Unit Commission Final Report.

"(3) Credit toward mitigation recommended by the Garrison Diversion Unit Commission Final Report for reservoir sites is not authorized.".

SEC. 3. IRRIGATION FACILITIES.

Section 5 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended to read as follows:

"SEC. 5. (a)(1) Subject to the provisions of subsection (a)(2) of this section, the Secretary is authorized to develop irrigation in the following project service areas: Turtle Lake (13,700 acres), McClusky Canal (4,000 acres), Lincoln Valley (6,515 acres), Harvey Pumping (2,000 acres), New Rockford (20,935 acres), New Rockford Canal (1,200 acres), LaMoure (13,350 acres), West Oakes Extension (4,000 acres), and West Oakes (19,660 acres). The Secretary is prohibited from developing irrigation in these areas in excess of the acreage specified herein, except that the Secretary is authorized and directed to develop up to 28,000 acres of irrigation in other areas in North Dakota, not located in the Hudson Bay, Devils Lake, or James River drainage basins.

100 STAT. 420

"(2) The Secretary is prohibited from obligating any funds for construction of irrigation service facilities in the areas listed in subsection (a)(1) of this section prior to September 30, 1990. After that date, the Secretary may obligate funds only after completing and submitting to the Congress, the report required by section 5(c) of this Act.

"(b)(1) The Secretary may not commence construction of the Sykeston Canal, the James River Feeder Canal, and James River channel improvements until 60 days after the report required by section 5(c) of this Act has been completed and submitted to the Congress.

"(2) The Secretary is directed to proceed immediately with the construction of—

"(A) the New Rockford Canal;

"(B) the Oakes Test Area; and

"(C) project features authorized in section 7 of this Act.

Post, p. 422.
Report.
South Dakota.

"(c)(1) The Secretary is directed to submit a comprehensive report to the Congress as soon as practicable, but not later than the end of fiscal year 1988 on the effects on the James River in North Dakota and South Dakota of water resource development proposals recommended by the Garrison Diversion Unit Commission and authorized in this Act. The report shall include the findings of the Secretary with regard to:

"(A) the feasibility of using the Oakes Aquifer as a water storage and recharge facility, and an evaluation of the need for offstream regulatory storage in the lower James River basin;

"(B) the capability of the river to handle irrigation return flows, project water supplies, and natural runoff without causing flooding, property damage, or damage to wildlife areas, and mechanisms or procedures for compensation or reimbursement of affected landowners for damages from project operation;

National Wildlife Refuge System.

"(C) the impacts of Garrison Diversion Unit irrigation return flows on the river and on adjacent riverine wetland areas and components of the National Wildlife Refuge System, with regard to water quantity, water quality, and fish and wildlife values;

"(D) the need for channelization of the James River under the irrigation and municipal, rural, and industrial water development programs authorized by this Act;

"(E) the cost and efficiency of measures required to guarantee that irrigation return flows from the New Rockford (Robinson Coulee) irrigation service areas will not enter the Hudson Bay drainage and the impact these return flows will have on the James River;

"(F) the feasibility of conveying project flows into the lower James River via Pipestem Creek; and

"(G) alternative management plans for operation of Jamestown and Pipestem Reservoirs to minimize impacts on the lower James River.

"(2) The costs of the study authorized by this subsection shall be nonreimbursable.

Study.

"(3) The study authorized by this subsection shall be carried out in accordance with the requirements of the National Environmental Policy Act.

42 USC 4321 note.
Contracts.

"(d) The Secretary is prohibited from obligating funds to construct irrigation facilities in the service areas listed in subsection (a)(1) until a contract or contracts, in a form approved by the Secretary, providing for the appropriate payment of the costs allocated to irrigation have been properly executed by a district or districts organized under State law. Such contract or contracts shall be consistent with the requirements of the Reclamation Reform Act of 1982 (title II, Public Law 97-293, 96 Stat. 1263).

43 USC 390aa.

"(e) The Secretary is authorized to develop irrigation in the following project service areas within the boundaries of the Fort Berthold and Standing Rock Indian Reservations: Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres), and Fort Yates (2,380 acres), except that, no funds are authorized to be appropriated for construction of these projects until the Secretary has made a finding of irrigability of the lands to receive water as required by the Act of July 31, 1953 (67 Stat. 266; 43 U.S.C. 390a). Repayment for the units authorized under this subsection shall be made pursuant to the Leavitt Act (25 U.S.C. 386a).

"(f) The Secretary shall not permit the use of project facilities for non-project drainage not included in project design or required for project operations.".

SEC. 4. POWER.

Section 6 of the Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended to read as follows:

"SEC. 6. (a) Municipal, rural, and industrial water systems constructed with funds authorized by section 7 of this Act shall utilize power from the Pick-Sloan Missouri Basin Program, as established by section 9 of the Flood Control Act of 1944 (Act of December 22, 1944), for the operation of such systems.

58 Stat. 891.

"(b) Notwithstanding the provisions of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C 7152(a)(3)), any portion of the costs properly chargeable to irrigation for the Garrison Diversion Unit which are beyond the ability of water users to repay as authorized by Reclamation law may be repaid from power revenues, except repayment of investment in irrigation for the Garrison Diversion Unit made after the date of enactment of this Act may not exceed forty years from the year in which irrigation water is first delivered for use by the contracting party and shall be made in equal annual installments.

"(c) Pursuant to the provisions of the last sentence of section 302(a)(3) of the Department of Energy Organization Act of 1978 (42 U.S.C. 7152(a)(3)), any reallocation of costs to project purposes other than irrigation as a result of section 1(e) of this Act shall not result in increased rates to Pick-Sloan Missouri Basin Program customers unless: (1) full use has been made of the current development method of ratesetting in analyzing the repayment status and cost allocations for the Garrison Diversion Unit and (2) the resulting rate increase, if any, is made in equal amounts over the ten year period beginning on the date of any such reallocation pursuant to this Act. Costs reallocated to project purposes other than irrigation as a result of section 1(e) of this Act shall be repaid, if reimbursable, with interest at the rate specified in section 4(b) of this Act beginning on the date of any such reallocation without retroactive interest. Nothing in this Act shall alter or affect in any way the current repayment methodology for other features of the Pick-Sloan Missouri Basin Program.".

100 STAT. 422

SEC. 5. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Contracts.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 7. (a)(1) The Secretary of the Interior is authorized to construct municipal, rural, and industrial water systems to serve areas throughout the State of North Dakota.

"(2) All planning, design, construction and operation of the municipal, rural, and industrial water systems authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the State of North Dakota. Such cooperative agreement shall set forth in a manner acceptable to the Secretary the responsibilities of the State for:

"(A) needs assessments;
"(B) feasibility studies;
"(C) engineering and design;
"(D) construction;
"(E) operation and maintenance; and
"(F) the administration of contracts pertaining to any of the foregoing.

"(3) Upon execution of the cooperative agreement required under this subsection, the Secretary is authorized to convey to the State of North Dakota, on a nonreimbursable basis, the funds authorized in section 10(b)(1) of this Act. The non-Federal share of the total cost of construction of each water system for which the State of North Dakota receives funding pursuant to this section shall be 25 percent, committed prior to the initiation of construction. The non-Federal share of the cost of operation, maintenance, and replacement of each municipal, rural, and industrial water system funded by this section shall be 100 percent. The Southwest Pipeline Project shall be deemed to be eligible for funding under the terms of this section.

"(b) The Secretary is authorized and directed to construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water for the cities of Fargo and Grand Forks and surrounding communities. The costs of the construction, operation, maintenance, and replacement of this feature, exclusive of conveyance, shall be nonreimbursable and deemed attributable to meeting requirements of the Boundary Waters Treaty of 1909.

36 Stat. 2448.

"(c) The Secretary is authorized and directed to construct, operate, and maintain such municipal, rural, and industrial water systems as he deems necessary to meet the economic, public health and environmental needs of the Fort Berthold, Standing Rock, and Fort Totten Indian Reservations.

"(d) Municipal, rural, and industrial water systems constructed with funds authorized under this Act may deliver Missouri River water into the Hudson Bay drainage only after the Secretary of the

Interior, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, has determined that adequate treatment has been provided to meet the requirements of the Boundary Waters Treaty of 1909.". 100 STAT. 423

SEC. 6. SPECIFIC FEATURES.

79 Stat. 433. The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 443) is amended by adding the following new section at the end thereof:

"SEC. 8. (a)(1) In accordance with the recommendations of the Garrison Diversion Unit Commission Final Report and section 1 of this Act, the Sykeston Canal shall be constructed as a functional replacement for the Lonetree Dam and Reservoir. The Sykeston Canal shall be designed and constructed to meet only the water delivery requirements of the irrigation areas and municipal, rural, and industrial water supply needs authorized in this Act. The Sykeston Canal shall be located, constructed, and operated so that, in the opinion of the Secretaries of the Interior and State, no violation of the Boundary Waters Treaty of 1909 would result. 36 Stat. 2448. The Secretary may not commence construction on the Sykeston Canal until a master repayment contract consistent with the provisions of this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(2) The Lonetree Dam and Reservoir shall remain an authorized feature of the Carrison Diversion Unit; however, construction funds may be requested by the Secretary for Lonetree Dam and Reservoir only after:

"(A) the Secretary has determined that there is a need for the dam and reservoir based on a contemporary appraisal using procedures such as those employed in the preparation of feasibility studies for water resources development projects submitted to Congress;

Canada. "(B) consultations with the Government of Canada have reached a conclusion satisfactory to the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency, that no violation of the Boundary Waters Treaty of 1909 would result from the construction and operation of the dam and reservoir; and

"(C) the Secretaries of the Interior and State have submitted the determinations required by subparagraphs (A) and (B) above to the Congress and 90 calendar days have elapsed.

National Wildlife Refuge System. "(b) Taayer Reservoir is deauthorized as a project feature. The Secretary is directed to acquire up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary is authorized to acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary is also authorized to provide for appropriate visitor access and control at the refuge.".

SEC. 7. EXCESS CROPS.

Marketing. The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433), is amended by adding the following new section at the end thereof:

"SEC. 9. Until the construction costs of the facilities authorized in section 5 are repaid, the Secretary is directed to charge a "surplus crop production charge" equal to 10 percent of full cost, as defined in section 202(3) (A)-(C) of the Reclamation Reform Act of 1982 (Public 43 USC 390bb. Law 97-293, 96 Stat. 1263), for the delivery of project water used in the production of any basic agricultural commodity if the total 100 STAT. 424 supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the surplus crop production charge for the succeeding year on or before July 1 of each year. The surplus crop production charge shall not apply to crops produced in the 5,000 acre Oakes Test Area for research purposes under the direction of the Secretaries of the Interior or Agriculture.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 10. (a)(1) There are authorized to be appropriated $270,395,000 for carrying out the provisions of section 5(a) through section 5(c) and section 8(a)(1) of this Act. Such sums shall remain available until expended.

"(2) There is authorized to be appropriated $67,910,000 for carrying out the provisions of section 5(e) of this Act. Such sums shall remain available until expended.

"(b)(1) There is authorized to be appropriated $200,000,000 to carry out the provisions of section 7(a) of this Act. Such sums shall remain available until expended.

"(2) There are authorized to be appropriated $61,000,000 to carry out the provisions of section 7(b) through section 7(d) of this Act. Such sums shall remain available until expended.

"(c) There is authorized to be appropriated for carrying out the remaining provisions of this Act $80,535,000. No funds are authorized for the construction of the Lonetree Dam and Reservoir. There are also authorized to be appropriated such additional funds as may be necessary for operation and maintenance of the unit.

"(d) Any funds previously appropriated for the Garrison Diversion Unit may be expended to carry out any of the provisions of this Act.".

SEC. 9. WETLANDS TRUST.

The Act of August 5, 1965 (Public Law 89-108, 79 Stat. 433) is amended by adding the following new section at the end thereof:

"SEC. 11. (a) FEDERAL CONTRIBUTIONS.—From the sums appropriated under section 10 of this Act for the Garrison Diversion Unit, the Secretary of the Interior shall make an annual Federal contribution to a Wetlands Trust established by non-Federal interests in accordance with subsection (b), and operated in accordance with subsection (c), of this section. The amount of each such annual contribution shall be as follows:

"(1) For fiscal year 1986: $2,000,000.

"(2) For each of the fiscal years 1987 through 1990: 3 percent of the total amount appropriated under section 10 of this Act, but not to exceed $500,000 for each such fiscal year.

"(3) For each fiscal year after 1990: 5 percent of the total amount appropriated under section 10 of this Act, but only if a contribution to the Trust equal to 10 percent of all Federal contributions is provided or contracted for by the State of North Dakota from non-Federal funds. The contributions of the State of North Dakota may be paid to the Trust in such amounts and in such manner as may be agreed upon by the Governor and the Secretary.

100 STAT. 425

"(4) The total Federal contribution pursuant to this Act shall not exceed $12,000,000.

"(b) STRUCTURE OF THE TRUST.—A Wetlands Trust shall be eligible to receive Federal contributions pursuant to subsection (a) if it complies with each of the following requirements:

"(1) The Trust is established by non-Federal interests as a non-profit corporation under the laws of North Dakota with its principal office in North Dakota.

"(2) The Trust is under the direction of a Board of Directors which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

"(3) The Board of Directors of the Trust is comprised of 6 persons appointed as follows, each for a term of 2 years:

"(A) 3 persons appointed by the Governor of North Dakota.

"(B) 1 person appointed by the National Audubon Society.

"(C) 1 person appointed by the National Wildlife Federation.

"(D) 1 person appointed by the North Dakota Chapter of the Wildlife Society.

Vacancies on the board are filled in the manner in which the original appointments were made. Any member of the Board of Directors is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office.

"(4) Members of the Board of Directors serve without compensation.

"(5) The corporate purposes of the Trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of North Dakota.

"(c) OPERATIONS OF THE TRUST.—A Wetland Trust established by non-Federal interests as provided in subsection (b) shall be deemed to be operating in accordance with this subsection if, in the opinion of the Secretary, each of the following requirements are met:

"(1) The Trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of North Dakota in accordance with its corporate purpose as provided in subsection (b)(5).

"(2) Pursuant to its corporate charter, the Trust has the authority to exercise each of the following powers:

"(A) The power to acquire lands and interests in land and power to acquire water rights. Lands or interests in lands may be acquired by the Trust only with the consent of the owner thereof and with the approval of the Governor of North Dakota.

"(B) The power to finance wetland preservation, enhancement, restoration, and management or wetland habitat programs.

"(3) All funds received by the Trust under subsection (a) are invested in accordance with the requirements of subsection (d). No part of the principal amount of such funds may be expended for any purpose. The income received by the Trust from the investment of such funds shall be used by the Trust exclusively for its purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d).

100 STAT. 426

Reports.

"(4) The Trust agrees to provide such reports as may be required by the Secretary or the Governor of North Dakota and makes its records available for audit by Federal and State agencies.

"(d) INVESTMENT OF TRUST FUNDS.—The Secretary of the Interior, in consultation with the Secretary of the Treasury and the Governor of North Dakota, shall establish requirements for the investment of all amounts received by the Trust under subsection (a) or reinvested under subsection (c)(3). Such requirements shall ensure that such amounts are invested in accordance with sound investment principles and shall ensure that persons managing such investments will exercise their fiduciary responsibilities in an appropriate manner.".

SEC. 10. SOIL SURVEYS.

Hazardous materials.

Section 1 of the Act of July 31, 1953 (67 Stat. 266; 43 U.S.C. 390a) is amended by inserting at the end thereof the following: "Such surveys shall include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows.".

SEC. 11. SHORT TITLE.

This Act may be referred to as the "Garrison Diversion Unit Reformulation Act of 1986".

SEC. 12. COMPLIANCE WITH APPROPRIATIONS ACT.

This Act to reformulate the Garrison Diversion Unit shall be deemed to meet all the time and substance requirements specified in the Fiscal Year 1986 Energy and Water Development Appropriations Act (Public Law 99-141).

99 Stat. 564.

Approved May 12, 1986.

LEGISLATIVE HISTORY—H.R. 1116:

HOUSE REPORTS: No. 99-525 and Pt. 2 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Apr. 21, 23, considered and passed House.
Apr. 28, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22, No. 20 (1986):
May 12, Presidential statement.

Public Law 99-339
99th Congress

100 STAT. 642

An Act

To amend the Safe Drinking Water Act.

June 19, 1986
[S. 124]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe Drinking Water Act Amendments of 1986.
Pollution.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Drinking Water Act Amendments of 1986".

TABLE OF CONTENTS

Sec. 1. Short title.

TITLE I—PUBLIC WATER SYSTEMS

Sec. 101. National primary drinking water regulations.
Sec. 102. Enforcement of regulations.
Sec. 103. Public notification.
Sec. 104. Variances.
Sec. 105. Exemptions.
Sec. 106. Monitoring for unregulated contaminants.
Sec. 107. Technical assistance for small systems.
Sec. 108. Tampering with public water systems.
Sec. 109. Lead free drinking water.

TITLE II—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

Sec. 201. Restrictions on underground injection of hazardous waste and regulation of State programs.
Sec. 202. Enforcement.
Sec. 203. Sole source aquifer demonstration program.
Sec. 204. Emergency powers.
Sec. 205. State programs to establish wellhead protection areas.

TITLE III—GENERAL PROVISIONS

Sec. 301. Authorization of appropriations.
Sec. 302. Indian tribes.
Sec. 303. Judicial review.
Sec. 304. Miscellaneous provisions.

TITLE I—PUBLIC WATER SYSTEMS

SEC. 101. NATIONAL PRIMARY DRINKING WATER REGULATIONS.

42 USC 300g-1.

(a) SIMPLIFICATION OF STATUTORY SYSTEM.—Section 1412(a) of the Safe Drinking Water Act (title XIV of the Public Health Service Act; 42 U.S.C. 300f and following) is amended to read as follows:

"(a)(1) Effective on the enactment of the Safe Drinking Water Act Amendments of 1986, each national interim or revised primary drinking water regulation promulgated under this section before such enactment shall be deemed to be a national primary drinking water regulation under subsection (b). No such regulation shall be required to comply with the standards set forth in subsection (b)(4) unless such regulation is amended to establish a different maximum contaminant level after the enactment of such amendments.

100 STAT. 643

"(2) After the enactment of the Safe Drinking Water Act Amendments of 1986 each recommended maximum contaminant level published before the enactment of such amendments shall be treated as a maximum contaminant level goal.

"(3) Whenever a national primary drinking water regulation is proposed under paragraph (1), (2), or (3) of subsection (b) for any contaminant, the maximum contaminant level goal for such contaminant shall be proposed simultaneously. Whenever a national primary drinking water regulation is promulgated under paragraph (1), (2), or (3) of subsection (b) for any contaminant, the maximum contaminant level goal for such contaminant shall be published simultaneously.

"(4) Paragraph (3) shall not apply to any recommended maximum contaminant level published before the enactment of the Safe Drinking Water Act Amendments of 1986.".

42 USC 300g-1.

(b) STANDARD SETTING SCHEDULES AND DEADLINES.—Section 1412(b) of the Safe Drinking Water Act is amended by striking paragraphs (1), (2), and (3), and inserting in lieu thereof the following:

"(1) In the case of those contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, and in volume 48, Federal Register, page 45502, the Administrator shall publish maximum contaminant level goals and promulgate national primary drinking water regulations—

"(A) not later than 12 months after the enactment of the Safe Drinking Water Act Amendments of 1986 for not less than 9 of those listed contaminants;

"(B) not later than 24 months after such enactment for not less than 40 of those listed contaminants; and

"(C) not later than 36 months after such enactment for the remainder of such listed contaminants.

"(2)(A) If the Administrator identifies a drinking water contaminant the regulation of which, in the judgment of the Administrator, is more likely to be protective of public health (taking into account the schedule for regulation under paragraph (1)) than a contaminant referred to in paragraph (1), the Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for such identified contaminant in lieu of regulating the contaminant referred to in such paragraph. There may be no more than 7 contaminants in paragraph (1) for which substitutions may be made. Regulation of a contaminant identified under this paragraph shall be in accordance with the schedule applicable to the contaminant for which the substitution is made.

Federal Register, publication.

"(B) If the Administrator identifies one or more contaminants for substitution under this paragraph, the Administrator shall publish in the Federal Register not later than one year after the enactment of the Safe Drinking Water Act Amendments of 1986 a list of contaminants proposed for substitution, the contaminants referred to in paragraph (1) for which substitutions are to be made, and the basis for the judgment that regulation of such proposed substitute contaminants is more likely to be protective of public health (taking into account the schedule for regulation under such paragraph). Following a period of 60 days for public comment, the Administrator shall publish in the Federal Register a final list of contaminants to be substituted and contaminants referred to in paragraph (1) for which substitutions are to be made, together with responses to significant comments.

100 STAT. 644

"(C) Any contaminant referred to in paragraph (1) for which a substitution is made, pursuant to subparagraph (A) of this paragraph, shall be included on the priority list to be published by the Administrator not later than January 1, 1988, pursuant to paragraph (3)(A).

Health and medical care.

"(D) The Administrator's decision to regulate a contaminant identified pursuant to this paragraph in lieu of a contaminant referred to in paragraph (1) shall not be subject to judicial review.

"(3)(A) The Administrator shall publish maximum contaminant level goals and promulgate national primary drinking water regulations for each contaminant (other than a contaminant referred to in paragraph (1) or (2) for which a national primary drinking water regulation was promulgated) which, in the judgment of the Administrator, may have any adverse effect on the health of persons and which is known or anticipated to occur in public water systems. Not later than January 1, 1988, and at 3 year intervals thereafter, the Administrator shall publish a list of contaminants which are known or anticipated to occur in public water systems and which may require regulation under this Act.

"(B) For the purpose of establishing the list under subparagraph (A), the Administrator shall form an advisory working group including members from the National Toxicology Program and the Environmental Protection Agency's Offices of Drinking Water, Pesticides, Toxic Substances, Ground Water, Solid Waste and Emergency Response and any others the Administrator deems appropriate. The Administrator's consideration of priorities shall include, but not be limited to, substances referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

42 USC 9601.
7 USC 136 note.

"(C) Not later than 24 months after the listing of contaminants under subparagraph (A), the Administrator shall publish proposed maximum contaminant level goals and national primary drinking water regulations for not less than 25 contaminants from the list established under subparagraph (A).

"(D) Not later than 36 months after the listing of contaminants under subparagraph (A), the Administrator shall publish a maximum contaminant goal and promulgate a national primary drinking water regulation for those contaminants for which proposed maximum contaminant level goals and proposed national primary drinking water regulations were published under subparagraph (C).

Health and medical care.

"(4) Each maximum contaminant level goal established under this subsection shall be set at the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. Each national primary drinking water regulation for a contaminant for which a maximum contaminant level goal is established under this subsection shall specify a maximum level for such contaminant which is as close to the maximum contaminant level goal as is feasible.

"(5) For the purposes of this subsection, the term 'feasible' means feasible with the use of the best technology, treatment techniques and other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purpose of paragraph (4), granular activated carbon is feasible for

100 STAT. 645 the control of synthetic organic chemicals, and any technology, treatment technique, or other means found to be the best available for the control of synthetic organic chemicals must be at least as effective in controlling synthetic organic chemicals as granular activated carbon.

Science and technology.

"(6) Each national primary drinking water regulation which establishes a maximum contaminant level shall list the technology, treatment techniques, and other means which the Administrator finds to be feasible for purposes of meeting such maximum contaminant level, but a regulation under this paragraph shall not require that any specified technology, treatment technique, or other means be used for purposes of meeting such maximum contaminant level.

"(7)(A) The Administrator is authorized to promulgate a national primary drinking water regulation that requires the use of a treatment technique in lieu of establishing a maximum contaminant level, if the Administrator makes a finding that it is not economically or technologically feasible to ascertain the level of the contaminant. In such case, the Administrator shall identify those treatment techniques which, in the Administrator's judgment, would prevent known or anticipated adverse effects on the health of persons to the extent feasible. Such regulations shall specify each treatment technique known to the Administrator which meets the requirements of this paragraph, but the Administrator may grant a variance from any specified treatment technique in accordance with section 1415(a)(3).

42 USC 300g-4.

"(B) Any schedule referred to in this subsection for the promulgation of a national primary drinking water regulation for any contaminant shall apply in the same manner if the regulation requires a treatment technique in lieu of establishing a maximum contaminant level.

"(C)(i) Not later than 18 months after the enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall propose and promulgate national primary drinking water regulations specifying criteria under which filtration (including coagulation and sedimentation, as appropriate) is required as a treatment technique for public water systems supplied by surface water sources. In promulgating such rules, the Administrator shall consider the quality of source waters, protection afforded by watershed management, treatment practices (such as disinfection and length of water storage) and other factors relevant to protection of health.

State and local governments.

"(ii) In lieu of the provisions of section 1415 the Administrator shall specify procedures by which the State determines which public water systems within its jurisdiction shall adopt filtration under the criteria of clause (i). The State may require the public water system to provide studies or other information to assist in this determination. The procedures shall provide notice and opportunity for public hearing on this determination. If the State determines that filtration is required, the State shall prescribe a schedule for compliance by the public water system with the filtration requirement. A schedule shall require compliance within 18 months of a determination made under clause (iii).

State and local governments.

"(iii) Within 18 months from the time that the Administrator establishes the criteria and procedures under this subparagraph, a State with primary enforcement responsibility shall adopt any necessary regulations to implement this subparagraph. Within 12 100 STAT. 646 months of adoption of such regulations the State shall make determinations regarding filtration for all the public water systems within its jurisdiction supplied by surface waters.

State and local governments.

"(iv) If a State does not have primary enforcement responsibility for public water systems, the Administrator shall have the same authority to make the determination in clause (ii) in such State as the State would have under that clause. Any filtration requirement or schedule under this subparagraph shall be treated as if it were a requirement of a national primary drinking water regulation.

"(8) Not later than 36 months after the enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall propose and promulgate national primary drinking water regulations requiring disinfection as a treatment technique for all public water systems. The Administrator shall simultaneously promulgate a rule specifying criteria that will be used by the Administrator (or delegated State authorities) to grant variances from this requirement according to the provisions of sections 1415(a)(1)(B) and 1415(a)(3). In implementing section 1442(g) the Administrator or the delegated State authority shall, where appropriate, give special consideration to providing technical assistance to small public water systems in complying with the regulations promulgated under this paragraph.".

42 USC 300g-4.
Post, p. 651.
State and local governments.

(c) Conforming Changes.—(1) Paragraphs (4), (5), and (6) of section 1412(b) of the Safe Drinking Water Act are redesignated as paragraphs (9), (10), and (11), respectively. Paragraphs (9) and (10) of such section 1412(b), as redesignated by this paragraph, are each amended by striking "Revised national" in each place where it appears and substituting "National".

42 USC 300g-1.

(2) Paragraph (1) of section 1413(a) of such Act is amended by striking out subparagraphs (A) and (B) and substituting "are no less stringent than the national primary drinking water regulations in effect under sections 1412(a) and 1412(b);".

42 USC 300g-2.

(3) Section 1444(d) of such Act is amended by striking out "(including interim regulations)".

42 USC 300j-3.

(4) Section 1416(e) of the Safe Drinking Water Act is amended by striking out "1412(b)(3)" and substituting "1412(b)".

42 USC 300g-5.

(d) Review of Standards.—Paragraph (9) of section 1412(b) of the Safe Drinking Water Act, as redesignated by subsection (c) of this section, is amended by adding at the end thereof the following: "Such review shall include an analysis of innovations or changes in technology, treatment techniques or other activities that have occurred over the previous 3-year period and that may provide for greater protection of the health of persons. The findings of such review shall be published in the Federal Register. If, after opportunity for public comment, the Administrator concludes that the technology, treatment techniques, or other means resulting from such innovations or changes are not feasible within the meaning of paragraph (5), an explanation of such conclusion shall be published in the Federal Register.".

Federal Register, publication.

(e) Science Advisory Board.—Section 1412(e) of the Safe Drinking Water Act is amended to read as follows:

"(e) The Administrator shall request comments from the Science Advisory Board (established under the Environmental Research, Development, and Demonstration Act of 1978) prior to proposal of a maximum contaminant level goal and national primary drinking water regulation. The Board shall respond, as it deems appropriate, within the time period applicable for promulgation of the national primary drinking water standard concerned. This subsection shall, under no circumstances, be used to delay final promulgation of any national primary drinking water standard.".

42 USC 4361a.

100 STAT. 647

SEC. 102. ENFORCEMENT OF REGULATIONS.

(a) Notice to Systems.—Section 1414(a)(1)(A) of the Safe Drinking Water Act is amended by inserting "and such public water system" after the words "notify the State".

42 USC 300g-3.

(b) Prompt Federal Enforcement.—(1) Section 1414(a)(1)(B) of the Safe Drinking Water Act is amended to read as follows:

"(B) If, beyond the thirtieth day after the Administrator's notification under subparagraph (A), the State has not commenced appropriate enforcement action, the Administrator shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or the Administrator shall commence a civil action under subsection (b).".

State and local governments.

(2) Section 1414(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)" and substituting the following: "the Administrator shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or the Administrator shall commence a civil action under subsection (b)".

(c) PENALTIES.—Section 1414(b) of the Safe Drinking Water Act is amended as follows:

(1) Add ", with an order issued under subsection (g)," after "drinking water regulation" in the first sentence.

(2) Delete "willful" immediately after "there has been a" in the second sentence.

(3) Strike out "$5,000" and substitute "$25,000".

(d) ADMINISTRATIVE ORDERS.—(1) Section 1414 of the Safe Drinking Water Act is amended by adding at the end thereof the following new subsection:

42 USC 300j-4.

"(g)(1) In any case in which the Administrator is authorized to bring a civil action under this section or under section 1445 with respect to any regulation, schedule, or other requirement, the Administrator also may issue an order to require compliance with such regulation, schedule, or other requirement.

State and local governments.

"(2) An order issued under this subsection shall not take effect until after notice and opportunity for public hearing and, in the case of a State having primary enforcement responsibility for public water systems in that State, until after the Administrator has provided the State with an opportunity to confer with the Administrator regarding the proposed order. A copy of any order proposed to be issued under this subsection shall be sent to the appropriate State agency of the State involved if the State has primary enforcement responsibility for public water systems in that State. Any order issued under this subsection shall state with reasonable specificity the nature of the violation. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

"(3)(A) Any person who violates, or fails or refuses to comply with, an order under this subsection shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation.

"(B) Whenever any civil penalty sought by the Administrator under this paragraph does not exceed a total of $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5 of the United States Code.

100 STAT. 648

"(C) Whenever any civil penalty sought by the Administrator under this paragraph exceeds $5,000, the penalty shall be assessed by a civil action brought by the Administrator in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code).

"(D) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Administrator, the Attorney General shall recover the amount for which such person is liable in any appropriate district court of the United States. In any such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.".

Ante, p. 647.

(2) Section 1414 of the Safe Drinking Water Act is amended by striking the words "FAILURE BY STATE TO ASSURE" from the section heading.

SEC. 103. PUBLIC NOTIFICATION.

Regulations.
Health and medical care.
42 USC 300g-3.

Section 1414(c) of the Safe Drinking Water Act is amended by striking everything after the sentence "The Administrator shall by regulation prescribe the form, manner, and frequency for giving notice under this subsection." and inserting the following: "Within 15 months after the enactment of the Safe Drinking Water Act

Amendments of 1986, the Administrator shall amend such regulations to provide for different types and frequencies of notice based on the differences between violations which are intermittent or infrequent and violations which are continuous or frequent. Such regulations shall also take into account the seriousness of any potential adverse health effects which may be involved. Notice of any violation of a maximum contaminant level or any other violation designated by the Administrator as posing a serious potential adverse health effect shall be given as soon as possible, but in no case later than 14 days after the violation. Notice of a continuous violation of a regulation other than a maximum contaminant level shall be given no less frequently than every 3 months. Notice of violations judged to be less serious shall be given no less frequently than annually. The Administrator shall specify the types of notice to be used to provide information as promptly and effectively as possible taking into account both the seriousness of any potential adverse health effects and the likelihood of reaching all affected persons. Notification of violations shall include notice by general circulation newspaper serving the area and, whenever appropriate, shall also include a press release to electronic media and individual mailings. Notice under this subsection shall provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the steps that the system is taking to correct such violation, and the necessity for seeking alternative water supplies, if any, until the violation is corrected. Until such amended regulations are promulgated, the regulations in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1986 shall remain in effect. The Administrator may also require the owner or operator of a public water system to give notice to the persons served by it of contaminant levels of any unregulated contaminant required to be monitored under section 1445(a). Any person who violates this subsection or regulations issued under this subsection shall be subject to a civil penalty of not to exceed $25,000.".

42 USC 300j-4.
Law enforcement and crime.

SEC. 104. VARIANCES.

Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended as follows:

42 USC 300g-4.

(1) Strike the word "despite" and substitute a period and the following: "A variance may only be issued to a system after the system's".

(2) Strike the word "generally" before the word "available" and after "(taking costs into consideration)." insert the following: "The Administrator shall propose and promulgate his finding of the best available technology, treatment techniques or other means available for each contaminant for purposes of this subsection at the time he proposes and promulgates a maximum contaminant level for each such contaminant. The Administrator's finding of best available technology, treatment techniques or other means for purposes of this subsection may vary depending on the number of persons served by the system or for other physical conditions related to engineering feasibility and costs of compliance with maximum contaminant levels as considered appropriate by the Administrator.".

Science and technology.

(3) Strike the words "within one year of the date" and adding "at the time".

(4) Add in clause (ii) after the words "water system of such" the word "additional".

SEC. 105. EXEMPTIONS.

(a) Schedules.—Section 1416 of the Safe Drinking Water Act is amended as follows:

42 USC 300g-5.

(1) In subsection (b)(1) strike out the words "within one year of the date" and substitute "at the time".

(2) In subsection (b)(2)(A)(i) strike the word "interim" and strike the words "not later than January 1, 1984" and substitute

"not later than 12 months after enactment of the Safe Drinking Water Act Amendments of 1986".

(3) In subsection (b)(2)(A)(ii) strike "revised" and strike "not later than 7 years after the date such requirement takes effect" and substitute "other than a regulation referred to in section 1412(a), 12 months after the date of the issuance of the exemption".

42 USC 300g-1.

(4) Subsection (b)(2)(B) is amended to read as follows:

State and local governments.

"(B) The final date for compliance provided in any schedule in the case of any exemption may be extended by the State (in the case of a State which has primary enforcement responsibility) or by the Administrator (in any other case) for a period not to exceed 3 years after the date of the issuance of the exemption if the public water system establishes that—

"(i) the system cannot meet the standard without capital improvements which cannot be completed within the period of such exemption;

Contracts.

"(ii) in the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

Contracts.

"(iii) the system has entered into an enforceable agreement to become a part of a regional public water system; and

the system is taking all practicable steps to meet the standard.

"(C) In the case of a system which does not serve more than 500 service connections and which needs financial assistance for the necessary improvements, an exemption granted under clause (i) or (ii) of subparagraph (B) may be renewed for one or more additional 2-year periods if the system establishes that it is taking all practicable steps to meet the requirements of subparagraph (B).".

100 STAT. 650

SEC. 106. MONITORING FOR UNREGULATED CONTAMINANTS.

42 USC 300j-4.

(a) SIZE OF SYSTEM.—Section 1445(a) of the Safe Drinking Water Act is amended by adding at the end thereof the following: "In requiring a public water system to monitor under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.".

(b) MONITORING REQUIREMENTS.—Section 1445(a) of the Safe Drinking Water Act is amended by adding "(1)" after "(a)" and by adding the following at the end thereof:

Regulations.

"(2) Not later than 18 months after enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall promulgate regulations requiring every public water system to conduct a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by the system and shall vary the frequency and schedule of monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found. Each system shall be required to monitor at least once every 5 years after the effective date of the Administrator's regulations unless the Administrator requires more frequent monitoring.

State and local governments.

"(3) Regulations under paragraph (2) shall list unregulated contaminants for which systems may be required to monitor, and shall include criteria by which the primary enforcement authority in each State could show cause for addition or deletion of contaminants from the designated list. The primary State enforcement authority may delete contaminants for an individual system, in accordance with these criteria, after obtaining approval of assessment of the contaminants potentially to be found in the system. The Administrator shall approve or disapprove such an assessment submitted by a State within 60 days. A State may add contaminants, in accordance with these criteria, without making an assessment, but in no event shall such additions increase Federal expenditures authorized by this section.

"(4) Public water systems conducting monitoring of unregulated contaminants pursuant to this section shall provide the results of such monitoring to the primary enforcement authority.

"(5) Notification of the availability of the results of the monitoring programs required under paragraph (2), and notification of the availability of the results of the monitoring program referred to in paragraph (6), shall be given to the persons served by the system and the Administrator.

"(6) The Administrator may waive the monitoring requirement under paragraph (2) for a system which has conducted a monitoring program after January 1, 1983, if the Administrator determines the program to have been consistent with the regulations promulgated under this section.

"(7) Any system supplying less than 150 service connections shall be treated as complying with this subsection if such system provides water samples or the opportunity for sampling according to rules established by the Administrator.".

(c) CIVIL PENALTY.—Section 1445(c) of the Safe Drinking Water Act is amended by striking "may be fined not more than $5,000" and inserting "shall be subject to a civil penalty of not to exceed $25,000".

SEC. 107. TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.

42 USC 300j-1.

Section 1442 of the Safe Drinking Water Act is amended by adding the following new subsection at the end thereof:

"(g) The Administrator is authorized to provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with national drinking water regulations. Such assistance may include 'circuit-rider' programs, training, and preliminary engineering studies.".

SEC. 108. TAMPERING WITH PUBLIC WATER SYSTEMS.

42 USC 300i *et seq.*

Part D of the Safe Drinking Water Act is amended by adding the following new section after section 1431:

"SEC. 1432. TAMPERING WITH PUBLIC WATER SYSTEMS.

Law enforcement and crime.

"(a) TAMPERING.—Any person who tampers with a public water system shall be imprisoned for not more than 5 years, or fined in accordance with title 18 of the United States Code, or both.

"(b) ATTEMPT OR THREAT.—Any person who attempts to tamper, or makes a threat to tamper, with a public drinking water system be imprisoned for not more than 3 years, or fined in accordance with title 18 of the United States Code, or both.

"(c) CIVIL PENALTY.—The Administrator may bring a civil action in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code) against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system. The court may impose on such person a civil penalty of not more than $50,000 for such tampering or not more than $20,000 for such attempt or threat.

"(d) DEFINITION OF 'TAMPER'.—For purposes of this section, the term 'tamper' means—

"(1) to introduce a contaminant into a public water system with the intention of harming persons; or

"(2) to otherwise interfere with the operation of a public water system with the intention of harming persons.".

SEC. 109. LEAD FREE DRINKING WATER.

(a) SAFE DRINKING WATER ACT AMENDMENTS.—

(1) IN GENERAL.—Part B of the Safe Drinking Water Act is amended by adding the following new section at the end thereof:

42 USC 300g *et seq.*

"SEC. 1417. PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND FLUX.

"(a) IN GENERAL.—

"(1) PROHIBITION.—Any pipe, solder, or flux, which is used after the enactment of the Safe Drinking Water Act Amendments of 1986, in the installation or repair of—

"(A) any public water system, or

"(B) any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system,

shall be lead free (within the meaning of subsection (d)). This paragraph shall not apply to leaded joints necessary for the repair of cast iron pipes.

"(2) PUBLIC NOTICE REQUIREMENTS.—

"(A) IN GENERAL.—Each public water system shall identify and provide notice to persons that may be affected by lead contamination of their drinking water where such contamination results from either or both of the following:

"(i) The lead content in the construction materials of the public water distribution system.

"(ii) Corrosivity of the water supply sufficient to cause leaching of lead.

The notice shall be provided in such manner and form as may be reasonably required by the Administrator. Notice under this paragraph shall be provided notwithstanding the absence of a violation of any national drinking water standard.

"(B) CONTENTS OF NOTICE.—Notice under this paragraph shall provide a clear and readily understandable explanation of—

"(i) the potential sources of lead in the drinking water,

"(ii) potential adverse health effects,

"(iii) reasonably available methods of mitigating known or potential lead content in drinking water,

"(iv) any steps the system is taking to mitigate lead content in drinking water, and

"(v) the necessity for seeking alternative water supplies, if any.

Effective dates.

"(b) STATE ENFORCEMENT.—

"(1) ENFORCEMENT OF PROHIBITION.—The requirements of subsection (a)(1) shall be enforced in all States effective 24 months after the enactment of this section. States shall enforce such requirements through State or local plumbing codes, or such other means of enforcement as the State may determine to be appropriate.

"(2) ENFORCEMENT OF PUBLIC NOTICE REQUIREMENTS.—The requirements of subsection (a)(2) shall apply in all States effective 24 months after the enactment of this section.

State and local governments.

"(c) PENALTIES.—If the Administrator determines that a State is not enforcing the requirements of subsection (a) as required pursuant to subsection (b), the Administrator may withhold up to 5 percent of Federal funds available to that State for State program grants under section 1443(a).

42 USC 300j-2.

"(d) DEFINITION OF LEAD FREE.—For purposes of this section, the term 'lead free'—

"(1) when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead, and

"(2) when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead.".

42 USC 300g-6 note.

(b) NOTIFICATION TO STATES.—The Administrator of the Environmental Protection Agency shall notify all States with respect to the requirements of section 1417 of the Public Health Service Act within 90 days after the enactment of this Act.

Ante, p. 651.

42 USC 300g-6 note.

(c) BAN ON LEAD WATER PIPES, SOLDER, AND FLUX IN VA AND HUD INSURED OR ASSISTED PROPERTY.—

(1) PROHIBITION.—The Secretary of Housing and Urban Development and the Administrator of the Veterans' Administration may not insure or guarantee a mortgage or furnish assistance with respect to newly constructed residential property which contains a potable water system unless such system uses only lead free pipe, solder, and flux.

100 STAT. 653

(2) DEFINITION OF LEAD FREE.—For purposes of paragraph (1) the term "lead free"—

(A) when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead, and

(B) when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead.

(3) EFFECTIVE DATE.—Paragraph (1) shall become effective 24 months after the enactment of this Act.

(d) LEAD SOLDER AS A HAZARDOUS SUBSTANCE.—

(1) IN GENERAL.—Section 2(f)(1) of the Federal Hazardous Substances Act is amended by adding the following at the end thereof:

15 USC 1261.

"(E) Any solder which has a lead content in excess of 0.2 percent.".

(2) LABELING.—Section 4 of the Federal Hazardous Substances Act is amended by adding the following at the end thereof:

15 USC 1263.
Commerce and trade.

"(k) The introduction or delivery for introduction into interstate commerce of any lead solder which has a lead content in excess of 0.2 percent which does not prominently display a warning label stating the lead content of the solder and warning that the use of such solder in the making of joints or fittings in any private or public potable water supply system is prohibited.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall become effective 24 months after the enactment of this Act.

15 USC 1263 note.

TITLE II—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

SEC. 201. RESTRICTIONS ON UNDERGROUND INJECTION OF HAZARDOUS WASTE AND REGULATION OF STATE PROGRAMS.

(a) NATURAL GAS STORAGE.—Section 1421(b)(2)(A), section 1422(c)(1), and section 1425(a)(1) of the Safe Drinking Water Act are each amended by inserting "or natural gas storage operations" after "production".

42 USC 300h, 300h-1, 300h-4.

(b) MONITORING OF INJECTION WELLS.—Part C of the Safe Drinking Water Act is amended by adding the following new section at the end thereof:

42 USC 300h *et seq*.

"SEC. 1426. REGULATION OF STATE PROGRAMS.

42 USC 300h-5.

"(a) MONITORING METHODS.—Not later than 18 months after enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall modify regulations issued under this Act for Class I injection wells to identify monitoring methods, in addition to those in effect on November 1, 1985, including groundwater monitoring. In accordance with such regulations, the Administrator, or delegated State authority, shall determine the applicability of such monitoring methods, wherever appropriate, at locations and in such a manner as to provide the earliest possible detection of fluid migration into, or in the direction of, underground sources of drinking water from such wells, based on its assessment of the potential for fluid migration from the injection zone that may be harmful to human health or the environment. For purposes of this subsection, a class I injection well is defined in accordance with 40 CFR 146.05 as in effect on November 1, 1985.

Health and medical care.
Environmental protection.

100 STAT. 654

"(b) REPORT.—The Administrator shall submit a report to Congress, no later than September 1987, summarizing the results of

State and local governments.

State surveys required by the Administrator under this section. The report shall include each of the following items of information:

"(1) The numbers and categories of class V wells which discharge nonhazardous waste into or above an underground source of drinking water.

"(2) The primary contamination problems associated with different categories of these disposal wells.

"(3) Recommendations for minimum design, construction, installation, and siting requirements that should be applied to protect underground sources of drinking water from such contamination wherever necessary.".

42 USC 6979a, 6972, 6973.

(c) SECTION 7010.—(1) Section 7010(c) of the Solid Waste Disposal Act is amended by striking "sections 7002 and 7003 of this Act" and inserting in lieu thereof "the provisions of this Act".

42 USC 6979b.
42 USC 6939a.
42 USC 6979a.

(2) Section 7010 of the Solid Waste Disposal Act is renumbered as section 3020 and inserted after section 3019 of such Act. Section 7012 of such Act is renumbered as section 7010. The item relating to section 7010 in the table of contents for such Act is renumbered as section 3020 and inserted after the item relating to section 3019. The item relating to section 7012 in the table of contents for such Act is renumbered as section 7010. Such table of contents is further amended by inserting after section 3015 the following new item:

"Sec. 3016. Inventory of Federal Agency hazardous waste facilities.".

SEC. 202. ENFORCEMENT.

State and local governments.
42 USC 300h-2.

(a) MANDATORY ENFORCEMENT.—(1) Section 1423(a)(1) of the Safe Drinking Water Act is amended by striking out all after the first sentence and substituting the following: "If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order under subsection (c) requiring the person to comply with such requirement or the Administrator shall commence a civil action under subsection (b).".

(2) Section 1423(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)(1)" and substituting the following: "the Administrator shall issue an order under subsection (c) requiring the person to comply with such requirement or the Administrator shall commence a civil action under subsection (b).".

(b) CIVIL AND CRIMINAL ACTIONS.—Section 1423(b) of the Safe Drinking Water Act is amended to read as follows:

"(b) CIVIL AND CRIMINAL ACTIONS.—Civil actions referred to in paragraphs (1) and (2) of subsection (a) shall be brought in the appropriate United States district court. Such court shall have jurisdiction to require compliance with any requirement of an applicable underground injection program or with an order issued under subsection (c). The court may enter such judgment as protection of public health may require. Any person who violates any requirement of an applicable underground injection control program or an order requiring compliance under subsection (c)—

"(1) shall be subject to a civil penalty of not more than $25,000 for each day of such violation, and

100 STAT. 655

"(2) if such violation is willful, such person may, in addition to or in lieu of the civil penalty authorized by paragraph (1), be imprisoned for not more than 3 years, or fined in accordance with title 18 of the United States Code, or both.".

42 USC 300h-2.

(c) ADMINISTRATIVE ORDERS.—Section 1423 of the Safe Drinking Water Act is amended by inserting the following new subsection immediately after subsection (b) and by redesignating the succeeding subsection as subsection (d):

Petroleum and petroleum products.
Natural gas.

"(c) ADMINISTRATIVE ORDERS.—(1) In any case in which the Administrator is authorized to bring a civil action under this section with respect to any regulation or other requirement of this part other than those relating to—

"(A) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, or

"(B) any underground injection for the secondary or tertiary recovery of oil or natural gas,

the Administrator may also issue an order under this subsection either assessing a civil penalty of not more than $10,000 for each day of violation for any past or current violation, up to a maximum administrative penalty of $125,000, or requiring compliance with such regulation or other requirement, or both.

"(2) In any case in which the Administrator is authorized to bring a civil action under this section with respect to any regulation, or other requirement of this part relating to—

"(A) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, or

"(B) any underground injection for the secondary or tertiary recovery of oil or natural gas,

the Administrator may also issue an order under this subsection either assessing a civil penalty of not more than $5,000 for each day of violation for any past or current violation, up to a maximum administrative penalty of $125,000, or requiring compliance with such regulation or other requirement, or both.

"(3)(A) An order under this subsection shall be issued by the Administrator after opportunity (provided in accordance with this subparagraph) for a hearing. Before issuing the order, the Administrator shall give to the person to whom it is directed written notice of the Administrator's proposal to issue such order and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

"(B) The Administrator shall provide public notice of, and reasonable opportunity to comment on, any proposed order.

"(C) Any citizen who comments on any proposed order under subparagraph (B) shall be given notice of any hearing under this subsection and of any order. In any hearing held under subparagraph (A), such citizen shall have a reasonable opportunity to be heard and to present evidence.

Effective date.

"(D) Any order issued under this subsection shall become effective 30 days following its issuance unless an appeal is taken pursuant to paragraph (6).

"(4)(A) Any order issued under this subsection shall state with reasonable specificity the nature of the violation and may specify a reasonable time for compliance.

"(B) In assessing any civil penalty under this subsection, the Administrator shall take into account appropriate factors, including (i) the seriousness of the violation; (ii) the economic benefit (if any) resulting from the violation; (iii) any history of such violations; (iv) any good-faith efforts to comply with the applicable requirements; (v) the economic impact of the penalty on the violator; and (vi) such other matters as justice may require.

42 USC 300h-3.
42 USC 300j-8.

"(5) Any violation with respect to which the Administrator has commenced and is diligently prosecuting an action, or has issued an order under this subsection assessing a penalty, shall not be subject to an action under subsection (b) of this section or section 1424(c) or 1449, except that the foregoing limitation on civil actions under section 1449 of this Act shall not apply with respect to any violation for which—

"(A) a civil action under section 1449(a)(1) has been filed prior to commencement of an action under this subsection, or

"(B) a notice of violation under section 1449(b)(1) has been given before commencement of an action under this subsection and an action under section 1449(a)(1) of this Act is filed before 120 days after such notice is given.

"(6) Any person against whom an order is issued or who commented on a proposed order pursuant to paragraph (3) may file an appeal of such order with the United States District Court for the District of Columbia or the district in which the violation is alleged to have occurred. Such an appeal may only be filed within the 30-day period beginning on the date the order is issued. Appellant shall simultaneously send a copy of the appeal by certified mail to the Administrator and to the Attorney General. The Administrator shall promptly file in such court a certified copy of the record on which such order was imposed. The district court shall not set aside or remand such order unless there is not substantial evidence on the record, taken as a whole, to support the finding of a violation or, unless the Administrator's assessment of penalty or requirement for compliance constitutes an abuse of discretion. The district court shall not impose additional civil penalties for the same violation unless the Administrator's assessment of a penalty constitutes an abuse of discretion. Notwithstanding section 1448(a)(2), any order issued under paragraph (3) shall be subject to judicial review exclusively under this paragraph.

Records.

42 USC 300j-7.

"(7) If any person fails to pay an assessment of a civil penalty—

"(A) after the order becomes effective under paragraph (3), or

"(B) after a court, in an action brought under paragraph (6), has entered a final judgment in favor of the Administrator,

the Administrator may request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus costs, attorneys' fees, and interest at currently prevailing rates from the date the order is effective or the date of such final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(8) The Administrator may, in connection with administrative proceedings under this subsection, issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum, and may request the Attorney General to bring an action to enforce any subpoena under this section. The district courts shall have jurisdiction to enforce such subpoenas and impose sanction.".

100 STAT. 657

(d) CONFORMING AMENDMENT.—Section 1423 of the Safe Drinking Water Act is amended by striking the words "FAILURE OF STATE TO ASSURE" from the section heading.

Ante, p. 655.

SEC. 203. SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.

42 USC 300h *et seq.*

Part C of the Safe Drinking Water Act is amended by adding the following new section after section 1426:

42 USC 300h-6.

"SEC. 1427. SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.

"(a) PURPOSE.—The purpose of this section is to establish procedures for development, implementation, and assessment of demonstration programs designed to protect critical aquifer protection areas located within areas designated as sole or principal source aquifers under section 1424(e) of this Act.

42 USC 300h-3.

"(b) DEFINITION.—For purposes of this section, the term 'critical aquifer protection area' means either of the following:

"(1) All or part of an area located within an area for which an application or designation as a sole or principal source aquifer pursuant to section 1424(e), has been submitted and approved by the Administrator not later than 24 months after the enactment of the Safe Drinking Water Act Amendments of 1986 and which satisfies the criteria established by the Administrator under subsection (d).

"(2) All or part of an area which is within an aquifer designated as a sole source aquifer as of the enactment of the Safe Drinking Water Act Amendments of 1986 and for which an areawide ground water quality protection plan has been approved under section 208 of the Clean Water Act prior to such enactment.

33 USC 1288.

"(c) APPLICATION.—Any State, municipal or local government or political subdivision thereof or any planning entity (including any interstate regional planning entity) that identifies a critical aquifer protection area over which it has authority or jurisdiction may apply to the Administrator for the selection of such area for a demonstration program under this section. Any applicant shall consult with other government or planning entities with authority or jurisdiction in such area prior to application. Applicants, other than the Governor, shall submit the application for a demonstration program jointly with the Governor.

State and local governments.

"(d) CRITERIA.—Not later than 1 year after the enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall, by rule, establish criteria for identifying critical aquifer protection areas under this section. In establishing such criteria, the Administrator shall consider each of the following:

"(1) The vulnerability of the aquifer to contamination due to hydrogeologic characteristics.

"(2) The number of persons or the proportion of population using the ground water as a drinking water source.

"(3) The economic, social and environmental benefits that would result to the area from maintenance of ground water of high quality.

"(4) The economic, social and environmental costs that would result from degradation of the quality of the ground water.

100 STAT. 658

"(e) CONTENTS OF APPLICATION.—An application submitted to the Administrator by any applicant for a demonstration program under this section shall meet each of the following requirements:

"(1) The application shall propose boundaries for the critical aquifer protection area within its jurisdiction.

"(2) The application shall designate or, if necessary, establish a planning entity (which shall be a public agency and which shall include representation of elected local and State governmental officials) to develop a comprehensive management plan (hereinafter in this section referred to as the 'plan') for the critical protection area. Where a local government planning agency exists with adequate authority to carry out this section with respect to any proposed critical protection area, such agency shall be designated as the planning entity.

State and local governments.

"(3) The application shall establish procedures for public participation in the development of the plan, for review, approval, and adoption of the plan, and for assistance to municipalities and other public agencies with authority under State law to implement the plan.

State and local governments.

"(4) The application shall include a hydrogeologic assessment of surface and ground water resources within the critical protection area.

"(5) The application shall include a comprehensive management plan for the proposed protection area.

"(6) The application shall include the measures and schedule proposed for implementation of such plan.

"(f) COMPREHENSIVE PLAN.—

"(1) The objective of a comprehensive management plan submitted by an applicant under this section shall be to maintain the quality of the ground water in the critical protection area in a manner reasonably expected to protect human health, the environment and ground water resources. In order to achieve such objective, the plan may be designed to maintain, to the maximum extent possible, the natural vegetative and hydrogeological conditions. Each of the following elements shall be included in such a protection plan:

"(A) A map showing the detailed boundary of the critical protection area.

"(B) An identification of existing and potential point and nonpoint sources of ground water degradation.

"(C) An assessment of the relationship between activities on the land surface and ground water quality.

"(D) Specific actions and management practices to be implemented in the critical protection area to prevent adverse impacts on ground water quality.

"(E) Identification of authority adequate to implement the plan, estimates of program costs, and sources of State matching funds.

"(2) Such plan may also include the following:

"(A) A determination of the quality of the existing ground water recharged through the special protection area and the natural recharge capabilities of the special protection area watershed.

"(B) Requirements designed to maintain existing underground drinking water quality or improve underground drinking water quality if prevailing conditions fail to meet drinking water standards, pursuant to this Act and State law.

State and local governments.

"(C) Limits on Federal, State, and local government, financially assisted activities and projects which may contribute to degradation of such ground water or any loss of natural surface and subsurface infiltration of purification capability of the special protection watershed.

"(D) A comprehensive statement of land use management including emergency contingency planning as it pertains to the maintenance of the quality of underground sources of drinking water or to the improvement of such sources if necessary to meet drinking water standards pursuant to this Act and State law.

"(E) Actions in the special protection area which would avoid adverse impacts on water quality, recharge capabilities, or both.

"(F) Consideration of specific techniques, which may include clustering, transfer of development rights, and other innovative measures sufficient to achieve the objectives of this section.

State and local governments.

"(G) Consideration of the establishment of a State institution to facilitate and assist funding a development transfer credit system.

State and local governments.

"(H) A program for State and local implementation of the plan described in this subsection in a manner that will insure the continued, uniform, consistent protection of the critical protection area in accord with the purposes of this section.

"(I) Pollution abatement measures, if appropriate.

33 USC 1288.

"(g) PLANS UNDER SECTION 208 OF THE CLEAN WATER ACT.—A plan approved before the enactment of the Safe Drinking Water Act Amendments of 1986 under section 208 of the Clean Water Act to protect a sole source aquifer designated under section 1424(e) of this Act shall be considered a comprehensive management plan for the purposes of this section.

42 USC 300h-3.

State and local governments.

"(h) CONSULTATION AND HEARINGS.—During the development of a comprehensive management plan under this section, the planning entity shall consult with, and consider the comments of, appropriate officials of any municipality and State or Federal agency which has jurisdiction over lands and waters within the special protection area, other concerned organizations and technical and citizen advisory committees. The planning entity shall conduct public hearings at places within the special protection area for the purpose of providing the opportunity to comment on any aspect of the plan.

"(i) APPROVAL OR DISAPPROVAL.—Within 120 days after receipt of an application under this section, the Administrator shall approve or disapprove the application. The approval or disapproval shall be based on a determination that the critical protection area satisfies the criteria established under subsection (d) and that a demonstration program for the area would provide protection for ground water quality consistent with the objectives stated in subsection (f). The Administrator shall provide to the Governor a written explanation of the reasons for the disapproval of any such application. Any petitioner may modify and resubmit any application which is not approved. Upon approval of an application, the Administrator may enter into a cooperative agreement with the applicant to establish a demonstration program under this section. Contracts.

"(j) GRANTS AND REIMBURSEMENT.—Upon entering a cooperative agreement under subsection (i), the Administrator may provide to the applicant, on a matching basis, a grant of 50 per centum of the costs of implementing the plan established under this section. The Administrator may also reimburse the applicant of an approved plan up to 50 per centum of the costs of developing such plan, except for plans approved under section 208 of the Clean Water Act. The total amount of grants under this section for any one aquifer, designated under section 1424(e), shall not exceed $4,000,000 in any one fiscal year. Contracts. 33 USC 1288. 42 USC 300h-3.

"(k) ACTIVITIES FUNDED UNDER OTHER LAW.—No funds authorized under this subsection may be used to fund activities funded under other sections of this Act or the Clean Water Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or other environmental laws. 33 USC 1251 note. 42 USC 6901 note. 42 USC 9601 note.

"(l) REPORT.—Not later than December 31, 1989, each State shall submit to the Administrator a report assessing the impact of the program on ground water quality and identifying those measures found to be effective in protecting ground water resources. No later than September 30, 1990, the Administrator shall submit to Congress a report summarizing the State reports, and assessing the accomplishments of the sole source aquifer demonstration program including an identification of protection methods found to be most effective and recommendations for their application to protect ground water resources from contamination whenever necessary. State and local governments.

"(m) SAVINGS PROVISION.—Nothing under this section shall be construed to amend, supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws; or any requirement imposed or right provided under any Federal or State environmental or public health statute.". Compacts between States. State and local governments.

SEC. 204. EMERGENCY POWERS.

Section 1431 of the Safe Drinking Water Act is amended as follows: 42 USC 300i.

(1) In the first sentence of subsection (a) add the words "or an underground source of drinking water" after the words "to enter a public water system".

(2) In the last sentence of subsection (a) add "including orders requiring the provision of alternative water supplies by persons who caused or contributed to the endangerment," after the words "including travelers),".

(3) In subsection (b):

(A) Strike "willfully".

(B) Strike "fined not more than" and insert in lieu thereof "subject to a civil penalty of not to exceed".

SEC. 205. STATE PROGRAMS TO ESTABLISH WELLHEAD PROTECTION AREAS.

The Safe Drinking Water Act is amended by adding the following new section after section 1427, as added by section 203 of this Act: 42 USC 300f note.

"SEC. 1428. STATE PROGRAMS TO ESTABLISH WELLHEAD PROTECTION AREAS.

42 USC 300h-7.

"(a) STATE PROGRAMS.—The Governor or Governor's designee of each State shall, within 3 years of the date of enactment of the Safe Drinking Water Act Amendments of 1986, adopt and submit to the

100 STAT. 661 Administrator a State program to protect wellhead areas within their jurisdiction from contaminants which may have any adverse effect on the health of persons. Each State program under this section shall, at a minimum—

"(1) specify the duties of State agencies, local governmental entities, and public water supply systems with respect to the development and implementation of programs required by this section;

"(2) for each wellhead, determine the wellhead protection area as defined in subsection (e) based on all reasonably available hydrogeologic information on ground water flow, recharge and discharge and other information the State deems necessary to adequately determine the wellhead protection area;

"(3) identify within each wellhead protection area all potential anthropogenic sources of contaminants which may have any adverse effect on the health of persons;

"(4) describe a program that contains, as appropriate, technical assistance, financial assistance, implementation of control measures, education, training, and demonstration projects to protect the water supply within wellhead protection areas from such contaminants;

"(5) include contingency plans for the location and provision of alternate drinking water supplies for each public water system in the event of well or wellfield contamination by such contaminants; and

"(6) include a requirement that consideration be given to all potential sources of such contaminants within the expected wellhead area of a new water well which serves a public water supply system.

"(b) Public Participation.—To the maximum extent possible, each State shall establish procedures, including but not limited to the establishment of technical and citizens' advisory committees, to encourage the public to participate in developing the protection program for wellhead areas. Such procedures shall include notice and opportunity for public hearing on the State program before it is submitted to the Administrator.

"(c) Disapproval.—

"(1) In general.—If, in the judgment of the Administrator, a State program (or portion thereof, including the definition of a wellhead protection area), is not adequate to protect public water systems as required by this section, the Administrator shall disapprove such program (or portion thereof). A State program developed pursuant to subsection (a) shall be deemed to be adequate unless the Administrator determines, within 9 months of the receipt of a State program, that such program (or portion thereof) is inadequate for the purpose of protecting public water systems as required by this section from contaminants that may have any adverse effect on the health of persons. If the Administrator determines that a proposed State program (or any portion thereof) is inadequate, the Administrator shall submit a written statement of the reasons for such determination to the Governor of the State.

"(2) Modification and resubmission.—Within 6 months after receipt of the Administrator's written notice under paragraph (1) that any proposed State program (or portion thereof) is
100 STAT. 662 inadequate, the Governor or Governor's designee, shall modify the program based upon the recommendations of the Administrator and resubmit the modified program to the Administrator.

"(d) Federal Assistance.—After the date 3 years after the enactment of this section, no State shall receive funds authorized to be appropriated under this section except for the purpose of implementing the program and requirements of paragraphs (4) and (6) of subsection (a).

"(e) Definition of Wellhead Protection Area.—As used in this section, the term 'wellhead protection area' means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield. The extent of a wellhead protection area, within a State, necessary to provide protection from contaminants which may have any adverse effect on the health of persons is to be determined by the State in the program submitted under subsection (a). Not later than one year after the enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall issue technical guidance which States may use in making such determinations. Such guidance may reflect such factors as the radius of influence around a well or wellfield, the depth of drawdown of the water table by such well or wellfield at any given point, the time or rate of travel of various contaminants in various hydrologic conditions, distance from the well or wellfield, or other factors affecting the likelihood of contaminants reaching the well or wellfield, taking into account available engineering pump tests or comparable data, field reconnaissance, topographic information, and the geology of the formation in which the well or wellfield is located.

"(f) PROHIBITIONS.—

"(1) ACTIVITIES UNDER OTHER LAWS.—No funds authorized to be appropriated under this section may be used to support activities authorized by the Federal Water Pollution Control Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or other sections of this Act.

33 USC 1251 note.
42 USC 6901 note.
42 USC 9601 note.

"(2) INDIVIDUAL SOURCES.—No funds authorized to be appropriated under this section may be used to bring individual sources of contamination into compliance.

Report.

"(g) IMPLEMENTATION.—Each State shall make every reasonable effort to implement the State wellhead area protection program under this section within 2 years of submitting the program to the Administrator. Each State shall submit to the Administrator a biennial status report describing the State's progress in implementing the program. Such report shall include amendments to the State program for water wells sited during the biennial period.

"(h) FEDERAL AGENCIES.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any potential source of contaminants identified by a State program pursuant to the provisions of subsection (a)(3) shall be subject to and comply with all requirements of the State program developed according to subsection (a)(4) applicable to such potential source of contaminants, both substantive and procedural, in the same manner, and to the same extent, as any other person is subject to such requirements, including payment of reasonable charges and fees. The President may exempt any potential source under the jurisdiction of any department, agency, or instrumentality in the executive branch if the President determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to the lack of an appropriation unless the President shall have specifically requested such appropriation as part of the budgetary process and the Congress shall have failed to make available such requested appropriations.

President of U.S.

100 STAT. 663

"(i) ADDITIONAL REQUIREMENT.—

Health and medical care.
Petroleum and petroleum products.
Natural gas.

"(1) IN GENERAL.—In addition to the provisions of subsection (a) of this section, States in which there are more than 2,500 active wells at which annular injection is used as of January 1, 1986, shall include in their State program a certification that a State program exists and is being adequately enforced that provides protection from contaminants which may have any adverse effect on the health of persons and which are associated with the annular injection or surface disposal of brines associated with oil and gas production.

"(2) Definition.—For purposes of this subsection, the term 'annular injection' means the reinjection of brines associated with the production of oil or gas between the production and surface casings of a conventional oil or gas producing well.

"(3) Review.—The Administrator shall conduct a review of each program certified under this subsection.

"(4) Disapproval.—If a State fails to include the certification required by this subsection or if in the judgment of the Administrator the State program certified under this subsection is not being adequately enforced, the Administrator shall disapprove the State program submitted under subsection (a) of this section.

"(j) Coordination With Other Laws.—Nothing in this section shall authorize or require any department, agency, or other instrumentality of the Federal Government or State or local government to apportion, allocate or otherwise regulate the withdrawal or beneficial use of ground or surface waters, so as to abrogate or modify any existing rights to water established pursuant to State or Federal law, including interstate compacts.".

TITLE III—GENERAL PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

42 USC 300j-1.

(a) Technical Assistance and Emergency Grants.—Section 1442(f) of the Safe Drinking Water Act is amended by inserting the following at the end thereof: "There are authorized to be appropriated to carry out subsection (a)(2)(B) not more than the following amounts:

"Fiscal year:	Amount
1987	$7,650,000
1988	7,650,000
1989	8,050,000
1990	8,050,000
1991	8,050,000

There are authorized to be appropriated to carry out the provisions of this section (other than subsection (g), subsection (a)(2)(B), and provisions relating to research), not more than the following amounts:

100 STAT. 664

"Fiscal year:	Amount
1987	$35,600,000
1988	35,600,000
1989	38,020,000
1990	38,020,000
1991	38,020,000".

42 USC 300j-2.

(b) State Supervision Programs.—Section 1443(a)(7) of the Safe Drinking Water Act is amended by adding at the end thereof: "For the purposes of making grants under paragraph (1) there are authorized to be appropriated not more than the following amounts:

"Fiscal year:	Amount
1987	$37,200,000
1988	37,200,000
1989	40,150,000
1990	40,150,000
1991	40,150,000".

(c) Underground Water Source Protection Program.—Section 1443(b)(5) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "For the purpose of making grants under paragraph (1) there are authorized to be appropriated not more than the following amounts:

"Fiscal year:	Amount
1987	$19,700,000
1988	19,700,000
1989	20,850,000
1990	20,850,000
1991	20,850,000"

(d) Extension of Authority.—Section 1441(f) of the Safe Drinking Water Act is amended by striking out "in effect" and all that follows and substituting "in effect for more than one year".

42 USC 300j.

(e) Protection of Wellhead Areas.—Section 1428 of the Safe Drinking Water Act, as added by section 205 of this Act, is amended by adding the following new subsection at the end thereof:

Grants.
State and local governments.

"(k) Authorization of Appropriations.—Unless the State program is disapproved under this section, the Administrator shall make grants to the State for not less than 50 or more than 90 percent of the costs incurred by a State (as determined by the Administrator) in developing and implementing each State program under this section. For purposes of making such grants there is authorized to be appropriated not more than the following amounts:

"Fiscal year:	*Amount*
1987	$20,000,000
1988	20,000,000
1989	35,000,000
1990	35,000,000
1991	35,000,000"

(f) Protection of Sole or Principal Source Ground Water Recharge Areas.—Section 1427 of the Safe Drinking Water Act, as added by this Act, is amended by adding the following new subsection at the end thereof:

Ante, p. 657.

"(n) Authorization.—There are authorized to be appropriated to carry out this section not more than the following amounts:

"Fiscal year:	*Amount*
1987	$10,000,000
1988	15,000,000
1989	17,500,000
1990	17,500,000
1991	17,500,000

Matching grants under this section may also be used to implement or update any water quality management plan for a sole or principal source aquifer approved (before the date of the enactment of this section) by the Administrator under section 208 of the Federal Water Pollution Control Act.".

Grants.

100 STAT. 665

33 USC 1288.

(g) Technical Assistance for Small Systems.—Section 1442(g) of the Safe Drinking Water Act, as added by section 107 of this Act, is amended by adding the following at the end thereof: "There are authorized to be appropriated to carry out this subsection $10,000,000 for each of the fiscal years 1987 through 1991. Not less than the greater of—

"(1) 3 percent of the amounts appropriated under this subsection, or

"(2) $280,000

Indians.

shall be utilized for technical assistance to public water systems owned or operated by Indian tribes.".

(h) Monitoring for Unregulated Contaminants.—Section 1445(a) of the Safe Drinking Water Act, as amended by section 106 of this Act, is further amended by adding the following new paragraph at the end thereof:

"(8) There are authorized to be appropriated $30,000,000 in the fiscal year ending September 30, 1987 to remain available until expended to carry out the provisions of this subsection.".

SEC. 302. INDIAN TRIBES.

(a) In General.—Part E of the Safe Drinking Water Act is amended by adding the following new section after section 1450:

42 USC 300j *et seq*.

"SEC. 1451. INDIAN TRIBES.

42 USC 300j–11.

"(a) In General.—Subject to the provisions of subsection (b), the Administrator—

"(1) is authorized to treat Indian Tribes as States under this title, "(2) may delegate to such Tribes primary enforcement responsibility for public water systems and for underground injection control, and

Grants.
Contracts.

"(3) may provide such Tribes grant and contract assistance to carry out functions provided by this title.

"(b) EPA Regulations.—

"(1) Specific provisions.—The Administrator shall, within 18 months after the enactment of the Safe Drinking Water Act Amendments of 1986, promulgate final regulations specifying those provisions of this title for which it is appropriate to treat Indian Tribes as States. Such treatment shall be authorized only if:

"(A) the Indian Tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers;

"(B) the functions to be exercised by the Indian Tribe are within the area of the Tribal Government's jurisdiction; and

"(C) the Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this title and of all applicable regulations.

100 STAT. 666

Health and medical care.

"(2) Provisions where treatment as state inappropriate.—For any provision of this title where treatment of Indian Tribes as identical to States is inappropriate, administratively infeasible or otherwise inconsistent with the purposes of this title, the Administrator may include in the regulations promulgated under this section, other means for administering such provision in a manner that will achieve the purpose of the provision. Nothing in this section shall be construed to allow Indian Tribes to assume or maintain primary enforcement responsibility for public water systems or for underground injection control in a manner less protective of the health of persons than such responsibility may be assumed or maintained by a State. An Indian tribe shall not be required to exercise criminal enforcement jurisdiction for purposes of complying with the preceding sentence.".

(b) Definitions.—

42 USC 300f.

(1) Indian tribe.—Section 1401 of such Act is amended by inserting the following at the end thereof:

"(14) The term 'Indian Tribe' means any Indian tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over any area.".

(2) Municipality.—Section 1401 of such Act is amended by striking out from paragraph (10) the words "Indian tribal organization authorized by law" and substituting "Indian Tribe".

42 USC 300h–1.

(c) Primary Enforcement Responsibility.—Section 1422 of such Act is amended by adding the following new subsection at the end thereof:

42 USC 300h *et seq.; ante*, p. 665.

"(e) An Indian Tribe may assume primary enforcement responsibility for underground injection control under this section consistent with such regulations as the Administrator has prescribed pursuant to Part C and section 1451 of this Act. The area over which such Indian Tribe exercises governmental jurisdiction need not have been listed under subsection (a) of this section, and such Tribe need not submit an application to assume primary enforcement responsibility within the 270-day deadline noted in subsection (b)(1)(A) of this section. Until an Indian Tribe assumes primary enforcement responsibility, the currently applicable underground injection control program shall continue to apply. If an applicable underground injection control program does not exist for an Indian Tribe, the

Administrator shall prescribe such a program pursuant to subsection (c) of this section, and consistent with section 1421(b), within 270 days after the enactment of the Safe Drinking Water Act Amendments of 1986, unless an Indian Tribe first obtains approval to assume primary enforcement responsibility for underground injection control.". 42 USC 300h.

(d) GRANTS.—(1) Section 1443(a)(2) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "The prohibitions contained in the preceding two sentences shall not apply to such grants when made to Indian Tribes.". 42 USC 300j-2.

(2) Section 1443(b)(2) of such Act is amended by adding the following new sentence at the end thereof: "The prohibition contained in the preceding sentence shall not apply to such grants when made to Indian Tribes.".

(e) STUDY.—The Administrator of the Environmental Protection Agency, in cooperation with the Director of the Indian Health Service, shall, within 12 months after the enactment of this Act, conduct a survey of drinking water on Indian reservations, identifying drinking water problems and the need, if any, for alternative drinking water supplies.

SEC. 303. JUDICIAL REVIEW.

Section 1448(a) of the Safe Drinking Water Act is amended as follows: 42 USC 300j-7.

(1) Amend paragraph (1) to read as follows:

"(1) actions pertaining to the establishment of national primary drinking water regulations (including maximum contaminant level goals) may be filed only in the United States Court of Appeals for the District of Columbia circuit; and".

(2) Amend paragraph (2) to read as follows:

"(2) any other action of the Administrator under this Act may be filed in the circuit in which the petitioner resides or transacts business which is directly affected by the action.".

SEC. 304. MISCELLANEOUS PROVISIONS.

(a) REPEAL.—Section 1442(e) of the Safe Drinking Water Act is repealed. 42 USC 300j-1.

(b) COMPARATIVE HEALTH EFFECTS ASSESSMENT.—The Administrator of the Environmental Protection Agency shall conduct a comparative health effects assessment, using available data, to compare the public health effects (both positive and negative) associated with water treatment chemicals and their byproducts to the public health effects associated with contaminants found in public water supplies. Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit a report to the Congress setting forth the results of such assessment. 42 USC 300j-1 note. Report.

Approved June 19, 1986.

LEGISLATIVE HISTORY—S. 124 (H.R. 1650):

HOUSE REPORTS No. 99-168 accompanying H.R. 1650 (Comm. on Energy and Commerce) and No. 99-575 (Comm. of Conference).

SENATE REPORT No. 99-56 (Comm. on Environmental and Public Works).

CONGRESSIONAL RECORD:

Vol. 131 (1985): May 16, considered and passed Senate.
June 17, H.R. 1650 considered and passed House; proceedings vacated and S. 124, amended, passed in lieu.

Vol. 132 (1986): May 13, House agreed to conference report.
May 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22, No. 25 (1986):
June 19, Presidential statement.

100 STAT. 989

Public Law 99-432
99th Congress

An Act

Oct. 1, 1986
[H.R. 3358]

To reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

Paragraphs (2), (3), and (4) of section 3 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) are amended to read as follows:

"(2) The term 'Atlantic striped bass' means members of stocks or populations of the species Morone saxatilis, which ordinarily migrate seaward of the waters described in paragraph (3)(A)(i).

"(3) The term 'coastal waters' means—

"(A) for each coastal State referred to in paragraph (4)(A)—

"(i) all waters, whether salt or fresh, of the coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

"(ii) the waters of the coastal State seaward from the baseline referred to in clause (i) to the inner boundary of the exclusive economic zone;

District of Columbia. Potomac River.

"(B) for the District of Columbia, those waters within its jurisdiction; and

"(C) for the Potomac River Fisheries Commission, those waters of the Potomac River within the boundaries established by the Potomac River Compact of 1958.

"(4) The term 'coastal State' means—

"(A) Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina;

"(B) the District of Columbia; and

"(C) the Potomac River Fisheries Commission established by the Potomac River Compact of 1958.".

SEC. 2. COMMISSION FUNCTIONS.

Section 4 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by—

(a) striking subsections (a) and (c) and redesignating subsections (b) and (d) as (a) and (b) respectively;

(b) amending subsection (a), as so redesignated, to read as follows:

"(a) MONITORING OF IMPLEMENTATION AND ENFORCEMENT.—

"(1) During December of fiscal year 1987, and of each fiscal year thereafter, the Commission shall determine:

"(A) whether each coastal State has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters; and

100 STAT. 990

"(B) whether the enforcement of the Plan by each coastal State is satisfactory. Enforcement by a coastal State shall not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within its coastal waters is being, or will likely be, substantially and adversely affected.

"(2) The Commission shall immediately notify the Secretaries of each negative determination made by it under this subsection.";

(c) amending subsection (b), as so redesignated, to read as follows:

"(b) SECRETARIAL ACTION AFTER NOTIFICATION.—Upon receiving notice from the Commission under subsection (a) that a coastal State has not taken the actions described in that subsection, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretaries shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and that coastal State in question.".

SEC. 3. MORATORIUM.

Section 5 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by—

(a) striking "(4)(d)" and inserting in lieu thereof "(4)(b)"; and

(b) striking "Secretary" and inserting in lieu thereof "Secretaries".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"For each of fiscal years 1986, 1987, and 1988, there are authorized to be appropriated such sums as may be necessary or appropriate to carry out this Act.".

SEC. 5. EFFECTIVE PERIOD.

16 USC 1851 note.

Section 9 of the Atlantic Striped Bass Conservation Act is amended by striking "18 months after the date of the enactment of this Act." and inserting in lieu thereof "at the close of September 30, 1988.".

SEC. 6. FUNDING OF STRIPED BASS STUDIES.

16 USC 757g.

Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking "and September 30, 1986" and inserting in lieu thereof "September 30, 1986, September 30, 1987, and September 30, 1988".

SEC. 7. TRANSFER OF MILES CITY NATIONAL FISH HATCHERY.

Missouri.
16 USC 760-2 note.

Notwithstanding any other law, the Secretary of the Interior shall convey to the State of Montana, without reimbursement to the United States and no later than thirty days following enactment of this legislation, all of the rights (including all water rights), title, and interest of the United States in and to the fish hatchery property located south of Miles City, Montana, and known as the Miles City National Fish Hatchery, consisting of 168.22 acres, more or less, of land, together with any improvements and related personal property thereon. The property conveyed shall be used by the Montana Department of Fish, Wildlife and Parks as part of the Montana fishery resources management program. If the property conveyed is ever used for other than these purposes, title to such property shall revert to the United States.

100 STAT. 991

Approved October 1, 1986.

LEGISLATIVE HISTORY—H.R. 3358 (S. 1813):

HOUSE REPORTS: No. 99-532 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 99-287 accompanying S. 1813 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 132 (1986):
  Apr. 29, considered and passed House.
  June 26, considered and passed Senate, amended in lieu of S. 1813.
  Sept. 16, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
  Oct. 1, Presidential statement.

100 STAT. 1613

Public Law 99–499
99th Congress

An Act

Oct. 17, 1986
[H.R. 2005]

To extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

Hazardous materials.
Environmental protection.
42 USC 9601 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Superfund Amendments and Reauthorization Act of 1986".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. CERCLA and Administrator.
Sec. 3. Limitation on contract and borrowing authority.
Sec. 4. Effective date.

TITLE I—PROVISIONS RELATING PRIMARILY TO RESPONSE AND LIABILITY

Sec. 101. Amendments to definitions.
Sec. 102. Reportable quantities.
Sec. 103. Notices; penalties.
Sec. 104. Response authorities.
Sec. 105. National contingency plan.
Sec. 106. Reimbursement.
Sec. 107. Liability.
Sec. 108. Financial responsibility.
Sec. 109. Penalties.
Sec. 110. Health-related authorities.
Sec. 111. Uses of fund.
Sec. 112. Claims procedure.
Sec. 113. Litigation, jurisdiction, and venue.
Sec. 114. Relationship to other law.
Sec. 115. Delegation; regulations.
Sec. 116. Schedules.
Sec. 117. Public participation.
Sec. 118. Miscellaneous provisions.
Sec. 119. Response action contractors.
Sec. 120. Federal facilities.
Sec. 121. Cleanup standards.
Sec. 122. Settlements.
Sec. 123. Reimbursement to local governments.
Sec. 124. Methane recovery.
Sec. 125. Certain special study wastes.
Sec. 126. Worker protection standards.
Sec. 127. Liability limits for ocean incineration vessels.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Post-closure liability program study, report to Congress, and suspension of liability transfers.
Sec. 202. Hazardous materials transportation.
Sec. 203. State procedural reform.
Sec. 204. Conforming amendment to funding provisions.
Sec. 205. Cleanup of petroleum from leaking underground storage tanks.
Sec. 206. Citizens suits.
Sec. 207. Indian tribes.
Sec. 208. Insurability study.
Sec. 209. Research, development, and demonstration.
Sec. 210. Pollution liability insurance.
Sec. 211. Department of Defense environmental restoration program.
100 STAT. 1614 Sec. 212. Oversight and reporting requirements.
Sec. 213. Love Canal property acquisition.

TITLE III—EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

Sec. 300. Short title; table of contents.

Subtitle A—Emergency Planning and Notification

Sec. 301. Establishment of State commissions, planning districts, and local committees.
Sec. 302. Substances and facilities covered and notification.
Sec. 303. Comprehensive emergency response plans.

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*Note: The printed text of Public Law 99–499 is a reprint of the hand enrollment, signed by the President on October 17, 1986.

Sec. 304. Emergency notification.
Sec. 305. Emergency training and review of emergency systems.

Subtitle B—Reporting Requirements

Sec. 311. Material safety data sheets.
Sec. 312. Emergency and hazardous chemical inventory forms.
Sec. 313. Toxic chemical release forms.

Subtitle C—General Provisions

Sec. 321. Relationship to other law.
Sec. 322. Trade secrets.
Sec. 323. Provision of information to health professionals, doctors, and nurses.
Sec. 324. Public availability of plans, data sheets, forms, and followup notices.
Sec. 325. Enforcement.
Sec. 326. Civil Actions.
Sec. 327. Exemption.
Sec. 328. Regulations.
Sec. 329. Definitions.
Sec. 330. Authorization of appropriations.

TITLE IV—RADON GAS AND INDOOR AIR QUALITY RESEARCH

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Radon gas and indoor air quality research program.
Sec. 404. Construction of title.
Sec. 405. Authorizations.

SEC. 2. CERCLA AND ADMINISTRATOR.

42 USC 9601 note.

As used in this Act—

(1) CERCLA.—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

SEC. 3. LIMITATION ON CONTRACT AND BORROWING AUTHORITY.

42 USC 9662.

Any authority provided by this Act, including any amendment made by this Act, to enter into contracts to obligate the United States or to incur indebtedness for the repayment of which the United States is liable shall be effective only to such extent or in such amounts as are provided in appropriation Acts.

SEC. 4. EFFECTIVE DATE.

42 USC 9601 note.

Except as otherwise specified in section 121(b) of this Act or in any other provision of titles I, II, III, and IV of this Act, the amendments made by titles I through IV of this Act shall take effect on the enactment of this Act.

100 STAT. 1615

TITLE I—PROVISIONS RELATING PRIMARILY TO RESPONSE AND LIABILITY

SEC. 101. AMENDMENTS TO DEFINITIONS.

Post, p. 1652.
42 USC 9601.

(a) INDIAN TRIBE.—Paragraph (16) of section 101 of CERCLA (defining "natural resources") is amended by striking "or" the last time it appears and inserting before the punctuation at the end thereof the following: ", any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe".

(b) STATE OR LOCAL GOVERNMENT LIMITATION.—Paragraph (20) of section 101 of CERCLA (defining "owner or operator") is amended as follows:

(1) Add the following new subparagraph at the end thereof:

"(D) The term 'owner or operator' does not include a unit of State or local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign. The exclusion provided under this paragraph shall not apply to any State or local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility, and such a State or local government shall be subject to the provisions of this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under section 107.". 42 USC 9607.

(2) Amend clause (iii) of subparagraph (A) to read as follows: "(iii) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand.".

(3) Capitalize the first word of subparagraphs (B) and (C) and substitute a period for the semicolon at the end of subparagraphs (A), (B), and (C).

(c) Release.—Paragraph (22) of section 101 of CERCLA (defining "release") is amended by inserting after "environment" the following: "(including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant)".

(d) Remedial Action.—Paragraph (24) of section 101 of CERCLA (defining "remedy" and "remedial action") is amended as follows:

(1) Strike "welfare. The term does not include offsite transport" and all that follows down through the semicolon at the end of such paragraph and insert "welfare; the term includes offsite transport and offsite storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated materials.".

(2) Strike "or" before "contaminated materials" and insert "and associated".

(e) Response.—Section 101(25) of CERCLA (defining "respond" and "response") is amended by inserting at the end thereof the following: ", all such terms (including the terms 'removal' and 'remedial action') include enforcement activities related thereto.".

100 STAT. 1616

42 USC 9601. (f) Additional Definitions.—Section 101 of CERCLA is amended by striking out "; and" at the end of paragraph (31) and substituting a period, by changing the semicolons at the end of paragraphs (1) through (29) to periods, by inserting "The term" at the beginning of paragraphs (1) through (22) and paragraphs (28) and (31), by inserting "The terms" at the beginning of paragraphs (23) through (27) and paragraphs (29), (30), and (32) by striking out ", the term" in the material preceding paragraph (1), and by adding the following new paragraphs at the end thereof:

"(33) The term 'pollutant or contaminant' shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; except that the term 'pollutant or contaminant' shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of paragraph (14) and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

"(34) The term 'alternative water supplies' includes, but is not limited to, drinking water and household water supplies.

"(35)(A) The term 'contractual relationship', for the purpose of section 107(b)(3), includes, but is not limited to, land contracts, deeds or other instruments transferring title or possession, unless the real property on which the facility concerned is located was acquired by the defendant after the disposal or placement of the hazardous substance on, in, or at the facility, and one or more of the circumstances described in clause (i), (ii), or (iii) is also established by the defendant by a preponderance of the evidence:

42 USC 9607.

"(i) At the time the defendant acquired the facility the defendant did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in, or at the facility.

"(ii) The defendant is a government entity which acquired the facility by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation.

"(iii) The defendant acquired the facility by inheritance or bequest.

In addition to establishing the foregoing, the defendant must establish that he has satisfied the requirements of section 107(b)(3) (a) and (b).

"(B) To establish that the defendant had no reason to know, as provided in clause (i) of subparagraph (A) of this paragraph, the defendant must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability. For purposes of the preceding sentence the court shall take into account any specialized knowledge or experience on the part of the defendant, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection.

100 STAT. 1617

"(C) Nothing in this paragraph or in section 107(b)(3) shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph, if the defendant obtained actual knowledge of the release or threatened release of a hazardous substance at such facility when the defendant owned the real property and then subsequently transferred ownership of the property to another person without disclosing such knowledge, such defendant shall be treated as liable under section 107(a)(1) and no defense under section 107(b)(3) shall be available to such defendant.

42 USC 9607.

Real property.

"(D) Nothing in this paragraph shall affect the liability under this Act of a defendant who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance which is the subject of the action relating to the facility.

"(36) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

SEC. 102. REPORTABLE QUANTITIES.

Section 102(a) of CERCLA is amended by adding at the end thereof the following new sentences: "For all hazardous substances

Regulations.
42 USC 9602.

for which proposed regulations establishing reportable quantities were published in the Federal Register under this subsection on or before March 1, 1986, the Administrator shall promulgate under this subsection final regulations establishing reportable quantities not later than December 31, 1986. For all hazardous substances for which proposed regulations establishing reportable quantities were not published in the Federal Register under this subsection on or before March 1, 1986, the Administrator shall publish under this subsection proposed regulations establishing reportable quantities not later than December 31, 1986, and promulgate final regulations under this subsection establishing reportable quantities not later than April 30, 1988.".

Federal Register, publication.

SEC. 103. NOTICES; PENALTIES.

Post, p. 1632.

Section 103(b) of CERCLA is amended by striking out "paragraph" in the last sentence and inserting in lieu thereof "subsection" and by adjusting the left hand margin of the text of such subsection following "federally permitted release," the third place it appears so that there is no indentation of such text.

President of U.S. 42 USC 9604.

SEC. 104. RESPONSE AUTHORITIES.

100 STAT. 1618

(a) RESPONSE BY POTENTIALLY RESPONSIBLE PARTIES; PUBLIC HEALTH THREATS.—Section 104(a)(1) of CERCLA is amended by striking ", unless the President determines" and all that follows down through "party." and inserting a period and the following: "When the President determines that such action will be done properly and promptly by the owner or operator of the facility or vessel or by any other responsible party, the President may allow such person to carry out the action, conduct the remedial investigation, or conduct the feasibility study in accordance with section 122. No remedial investigation or feasibility study (RI/FS) shall be authorized except on a determination by the President that the party is qualified to conduct the RI/FS and only if the President contracts with or arranges for a qualified person to assist the President in overseeing and reviewing the conduct of such RI/FS and if the responsible party agrees to reimburse the Fund for any cost incurred by the President under, or in connection with, the oversight contract or arrangement. In no event shall a potentially responsible party be subject to a lesser standard of liability, receive preferential treatment, or in any other way, whether direct or indirect, benefit from any such arrangements as a response action contractor, or as a person hired or retained by such a response action contractor, with respect to the release or facility in question. The President shall give primary attention to those releases which the President deems may present a public health threat.".

42 USC 9604.

(b) REMOVAL ACTION.—Section 104(a)(2) of CERCLA is amended to read as follows:

"(2) REMOVAL ACTION.—Any removal action undertaken by the President under this subsection (or by any other person referred to in section 122) should, to the extent the President deems practicable, contribute to the efficient performance of any long term remedial action with respect to the release or threatened release concerned.".

(c) LIMITATIONS ON RESPONSE.—Section 104(a) of CERCLA is further amended by adding after paragraph (2) the following new paragraphs:

"(3) LIMITATIONS ON RESPONSE.—The President shall not provide for a removal or remedial action under this section in response to a release or threat of release—

"(A) of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;

"(B) from products which are part of the structure of, and result in exposure within, residential buildings or business or community structures; or

"(C) into public or private drinking water supplies due to deterioration of the system through ordinary use.

"(4) Exception to Limitations.—Notwithstanding paragraph (3) of this subsection, to the extent authorized by this section, the President may respond to any release or threat of release if in the President's discretion, it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.".

(d) Coordination of Investigations.—Section 104(b) of CERCLA is amended by inserting "(1) Information; Studies and Investigations.—" after "(b)" and by adding at the end thereof the following new paragraph:

"(2) Coordination of Investigations.—The President shall promptly notify the appropriate Federal and State natural resource trustees of potential damages to natural resources resulting from releases under investigation pursuant to this section and shall seek to coordinate the assessments, investigations, and planning under this section with such Federal and State trustees.".

(e) Initial Obligation of Fund.—

(1) Limitation.—Section 104(c)(1) of CERCLA is amended by striking out "$1,000,000" and "six months" and inserting in lieu thereof "$2,000,000" and "12 months", respectively. 42 USC 9604.

(2) Continued response.—Section 104(c)(1) of CERCLA is amended by inserting before "obligations" the following: "or (C) continued response action is otherwise appropriate and consistent with the remedial action to be taken".

(f) Facilities Owned and Operated by States.—Paragraph (3) of section 104(c) of CERCLA is amended by striking out "(ii) at least" and all that follows through the period at the end thereof and inserting "(ii) 50 percent (or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision for the release) of any sums expended in response to a release at a facility, that was operated by the State or a political subdivision thereof, either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances therein. For the purpose of clause (ii) of this subparagraph, the term 'facility' does not include navigable waters or the beds underlying those waters.". *Post*, p. 1705.

(g) Cross Reference to Cleanup Standards.—Section 104(c)(4) of CERCLA is amended to read as follows:

"(4) Selection of Remedial Action.—The President shall select remedial actions to carry out this section in accordance with section 121 of this Act (relating to cleanup standards).".

(h) State Credits.—Section 104(c) of CERCLA is amended by adding the following new paragraph after paragraph (4):

"(5) State Credits.—

"(A) Granting of credit.—The President shall grant a State a credit against the share of the costs, for which it is responsible under paragraph (3) with respect to a facility listed on the National Priorities List under the National Contingency Plan, for amounts expended by a State for remedial action at such facility pursuant to a contract or cooperative agreement with the President. The credit under this paragraph shall be limited to those State expenses which the President determines to be reasonable, documented, direct out-of-pocket expenditures of non-Federal funds. Contracts.

"(B) Expenses before listing or agreement.—The credit under this paragraph shall include expenses for remedial action at a facility incurred before the listing of the facility on the National Priorities List or before a contract or cooperative agreement is entered into under subsection (d) for the facility if—

"(i) after such expenses are incurred the facility is listed on such list and a contract or cooperative agreement is entered into for the facility, and "(ii) the President determines that such expenses would have been credited to the State under subparagraph (A) had the expenditures been made after listing of the facility on such list and after the date on which such contract or cooperative agreement is entered into.

Claims.

"(C) RESPONSE ACTIONS BETWEEN 1978 AND 1980.—The credit under this paragraph shall include funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before December 11, 1980, for cost-eligible response actions and claims for damages compensable under section 111.

"(D) STATE EXPENSES AFTER DECEMBER 11, 1980, IN EXCESS OF 10 PERCENT OF COSTS.—The credit under this paragraph shall include 90 percent of State expenses incurred at a facility owned, but not operated, by such State or by a political subdivision thereof. Such credit applies only to expenses incurred pursuant to a contract or cooperative agreement under subsection (d) and only to expenses incurred after December 11, 1980, but before the date of the enactment of this paragraph.

Contracts.

"(E) ITEM-BY-ITEM APPROVAL.—In the case of expenditures made after the date of the enactment of this paragraph, the President may require prior approval of each item of expenditure as a condition of granting a credit under this paragraph.

"(F) USE OF CREDITS.—Credits granted under this paragraph for funds expended with respect to a facility may be used by the State to reduce all or part of the share of costs otherwise required to be paid by the State under paragraph (3) in connection with remedial actions at such facility. If the amount of funds for which credit is allowed under this paragraph exceeds such share of costs for such facility, the State may use the amount of such excess to reduce all or part of the share of such costs at other facilities in that State. A credit shall not entitle the State to any direct payment.".

(i) TREATMENT OF CERTAIN ACTIVITIES AS MAINTENANCE OR REMEDIAL ACTION.—Section 104(c) of CERCLA is amended by adding the following new paragraphs after paragraph (5):

"(6) OPERATION AND MAINTENANCE.—For the purposes of paragraph (3) of this subsection, in the case of ground or surface water contamination, completed remedial action includes the completion of treatment or other measures, whether taken onsite or offsite, necessary to restore ground and surface water quality to a level that assures protection of human health and the environment. With respect to such measures, the operation of such measures for a period of up to 10 years after the construction or installation and commencement of operation shall be considered remedial action. Activities required to maintain the effectiveness of such measures following such period or the completion of remedial action, whichever is earlier, shall be considered operation or maintenance.

"(7) LIMITATION ON SOURCE OF FUNDS FOR O&M.—During any period after the availability of funds received by the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 from tax revenues or appropriations from general revenues, the Federal share of the payment of the cost of operation or maintenance pursuant to paragraph (3)(C)(i) or paragraph (6) of this subsection (relating to operation and maintenance) shall be from funds received by the Hazardous Substance Superfund from amounts recovered on behalf of such fund under this Act.".

26 USC 9501.

(j) RECONTRACTING.—Section 104(c) of CERCLA is amended by adding the following new paragraph after paragraph (7):

"(8) RECONTRACTING.—The President is authorized to undertake or continue whatever interim remedial actions the President determines to be appropriate to reduce risks to public health or the environment where the performance of a complete remedial action requires recontracting because of the discovery of sources, types, or

100 STAT. 1621

quantities of hazardous substances not known at the time of entry into the original contract. The total cost of interim actions undertaken at a facility pursuant to this paragraph shall not exceed $2,000,000.".

(k) SITING.—Section 104(c) of CERCLA is amended by adding the following new paragraph after paragraph (8):

Contracts.

"(9) SITING.—Effective 3 years after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that the State will assure the availability of hazardous waste treatment or disposal facilities which—

"(A) have adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated within the State during the 20-year period following the date of such contract or cooperative agreement and to be disposed of, treated, or destroyed,

"(B) are within the State or outside the State in accordance with an interstate agreement or regional agreement or authority,

"(C) are acceptable to the President, and

"(D) are in compliance with the requirements of subtitle C of the Solid Waste Disposal Act.".

42 USC 6921.

(l) COOPERATIVE AGREEMENTS WITH STATES.—Section 104(d)(1) of CERCLA is amended to read as follows:

"(1) COOPERATIVE AGREEMENTS.—

Indians.

"(A) STATE APPLICATIONS.—A State or political subdivision thereof or Indian tribe may apply to the President to carry out actions authorized in this section. If the President determines that the State or political subdivision or Indian tribe has the capability to carry out any or all of such actions in accordance with the criteria and priorities established pursuant to section 105(a)(8) and to carry out related enforcement actions, the President may enter into a contract or cooperative agreement with the State or political subdivision or Indian tribe to carry out such actions. The President shall make a determination regarding such an application within 90 days after the President receives the application.

42 USC 9605.

"(B) TERMS AND CONDITIONS.—A contract or cooperative agreement under this paragraph shall be subject to such terms and conditions as the President may prescribe. The contract or cooperative agreement may cover a specific facility or specific facilities.

"(C) REIMBURSEMENTS.—Any State which expended funds during the period beginning September 30, 1985, and ending on the date of the enactment of this subparagraph for response actions at any site included on the National Priorities List and subject to a cooperative agreement under this Act shall be reimbursed for the share of costs of such actions for which the Federal Government is responsible under this Act.".

(m) INFORMATION GATHERING AND ACCESS AUTHORITIES.—Section 104(e) of CERCLA is amended by redesignating paragraph (2) as paragraph (7) and aligning the margin of such paragraph with paragraphs (1) through (6) of such subsection, by inserting "CONFIDENTIALITY OF INFORMATION.—" before "(A) Any records", by striking out paragraph (1), and by striking out "(e)" and inserting in lieu thereof the following:

100 STAT. 1622

"(e) INFORMATION GATHERING AND ACCESS.—

Law enforcement and crime.
Vessels.

"(1) ACTION AUTHORIZED.—Any officer, employee, or representative of the President, duly designated by the President, is authorized to take action under paragraph (2), (3), or (4) (or any combination thereof) at a vessel, facility, establishment, place, property, or location or, in the case of paragraph (3) or (4), at any vessel, facility, establishment, place, property, or location which is adjacent to the vessel, facility, establishment, place, property, or location referred to in such paragraph (3) or (4). Any duly designated officer, employee, or representative of a State or political subdivision under a contract or cooperative agreement under subsection (d)(1) is also authorized to take such action. The authority of paragraphs (3) and (4) may be exercised only if there is a reasonable basis to believe there may be a release or threat of release of a hazardous substance or pollutant or contaminant. The authority of this subsection may be exercised only for the purposes of determining the need for response, or choosing or taking any response action under this title, or otherwise enforcing the provisions of this title.

Vessels.

"(2) Access to information.—Any officer, employee, or representative described in paragraph (1) may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to such matter:

"(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

"(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

"(C) Information relating to the ability of a person to pay for or to perform a cleanup.

In addition, upon reasonable notice, such person either (i) shall grant any such officer, employee, or representative access at all reasonable times to any vessel, facility, establishment, place, property, or location to inspect and copy all documents or records relating to such matters or (ii) shall copy and furnish to the officer, employee, or representative all such documents or records, at the option and expense of such person.

Vessels.

"(3) Entry.—Any officer, employee, or representative described in paragraph (1) is authorized to enter at reasonable times any of the following:

"(A) Any vessel, facility, establishment, or other place or property where any hazardous substance or pollutant or contaminant may be or has been generated, stored, treated, disposed of, or transported from.

"(B) Any vessel, facility, establishment, or other place or property from which or to which a hazardous substance or pollutant or contaminant has been or may have been released.

"(C) Any vessel, facility, establishment, or other place or property where such release is or may be threatened.

"(D) Any vessel, facility, establishment, or other place or property where entry is needed to determine the need for response or the appropriate response or to effectuate a response action under this title.

100 STAT. 1623

"(4) Inspection and samples.—

Vessels.

"(A) Authority.—Any officer, employee or representative described in paragraph (1) is authorized to inspect and obtain samples from any vessel, facility, establishment, or other place or property referred to in paragraph (3) or from any location of any suspected hazardous substance or pollutant or contaminant. Any such officer, employee, or representative is authorized to inspect and obtain samples of any containers or labeling for suspected hazardous substances or pollutants or contaminants. Each such inspection shall be completed with reasonable promptness.

"(B) Samples.—If the officer, employee, or representative obtains any samples, before leaving the premises he shall give to the owner, operator, tenant, or other person in charge of the place from which the samples were obtained a receipt describing the sample obtained and, if requested, a portion of each such sample. A copy of the results of any analysis made of such samples shall be furnished promptly to the owner, operator, tenant, or other person in charge, if such person can be located.

"(5) COMPLIANCE ORDERS.—

Law enforcement and crime.

"(A) ISSUANCE.—If consent is not granted regarding any request made by an officer, employee, or representative under paragraph (2), (3), or (4), the President may issue an order directing compliance with the request. The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances.

"(B) COMPLIANCE.—The President may ask the Attorney General to commence a civil action to compel compliance with a request or order referred to in subparagraph (A). Where there is a reasonable basis to believe there may be a release or threat of a release of a hazardous substance or pollutant or contaminant, the court shall take the following actions:

"(i) In the case of interference with entry or inspection, the court shall enjoin such interference or direct compliance with orders to prohibit interference with entry or inspection unless under the circumstances of the case the demand for entry or inspection is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

"(ii) In the case of information or document requests or orders, the court shall enjoin interference with such information or document requests or orders or direct compliance with the requests or orders to provide such information or documents unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.

The court may assess a civil penalty not to exceed $25,000 for each day of noncompliance against any person who unreasonably fails to comply with the provisions of paragraph (2), (3), or (4) or an order issued pursuant to subparagraph (A) of this paragraph.

"(6) OTHER AUTHORITY.—Nothing in this subsection shall preclude the President from securing access or obtaining information in any other lawful manner.".

(n) BASIS FOR WITHHOLDING INFORMATION.—Paragraph (7) of section 104(e) of CERCLA (formerly paragraph (2), as redesignated by subsection (l) of this section) is amended by adding the following new subparagraphs at the end thereof:

42 USC 9604.

"(E) No person required to provide information under this Act may claim that the information is entitled to protection under this paragraph unless such person shows each of the following:

Classified information.

"(i) Such person has not disclosed the information to any other person, other than a member of a local emergency planning committee established under title III of the Amendments and Reauthorization Act of 1986, an officer or employee of the United States or a State or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures.

"(ii) The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.

"(iii) Disclosure of the information is likely to cause substantial harm to the competitive position of such person.

"(iv) The specific chemical identity, if sought to be protected, is not readily discoverable through reverse engineering.

Public information.

"(F) The following information with respect to any hazardous substance at the facility or vessel shall not be entitled to protection under this paragraph:

"(i) The trade name, common name, or generic class or category of the hazardous substance.

"(ii) The physical properties of the substance, including its boiling point, melting point, flash point, specific gravity, vapor density, solubility in water, and vapor pressure at 20 degrees celsius.

"(iii) The hazards to health and the environment posed by the substance, including physical hazards (such as explosion) and potential acute and chronic health hazards.

"(iv) The potential routes of human exposure to the substance at the facility, establishment, place, or property being investigated, entered, or inspected under this subsection.

"(v) The location of disposal of any waste stream.

"(vi) Any monitoring data or analysis of monitoring data pertaining to disposal activities.

"(vii) Any hydrogeologic or geologic data.

"(viii) Any groundwater monitoring data.".

(o) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—Section 104 of CERCLA is amended by adding the following new subsection at the end thereof:

"(j) ACQUISITION OF PROPERTY.—

"(1) AUTHORITY.—The President is authorized to acquire, by purchase, lease, condemnation, donation, or otherwise, any real property or any interest in real property that the President in his discretion determines is needed to conduct a remedial action under this Act. There shall be no cause of action to compel the President to acquire any interest in real property under this Act.

100 STAT. 1625

Contracts.

"(2) STATE ASSURANCE.—The President may use the authority of paragraph (1) for a remedial action only if, before an interest in real estate is acquired under this subsection, the State in which the interest to be acquired is located assures the President, through a contract or cooperative agreement or otherwise, that the State will accept transfer of the interest following completion of the remedial action.

"(3) EXEMPTION.—No Federal, State, or local government agency shall be liable under this Act solely as a result of acquiring an interest in real estate under this subsection.".

SEC. 105. NATIONAL CONTINGENCY PLAN.

42 USC 9605.

(a) SUBSECTION (a) OF SECTION 105.—Section 105 of CERCLA is amended as follows:

(1) HEADING.—Insert "(a) REVISION AND REPUBLICATION.—" after "105.".

(2) HAZARD RANKING SYSTEM.—In paragraph (8)(A) insert the following after "ecosystems,": "the damage to natural resources which may affect the human food chain and which is associated with any release or threatened release, the contamination or potential contamination of the ambient air which is associated with the release or threatened release,".

(3) NATIONAL PRIORITY LIST.—In paragraph (8)(B):

(A) Strike out "at least four hundred of".

(B) Strike out "facilities at least" and insert in lieu thereof "facilities".

State and local governments.

(C) Insert after "in such State." the following: "A State shall be allowed to designate its highest priority facility only once.".

(4) CONFORMING AMENDMENT.—In paragraph (9) insert after "therefor" the following: "and including consideration of minority firms in accordance with subsection (f)".

(5) STANDARDS AND PROCEDURES FOR INNOVATIVE TREATMENT TECHNOLOGIES.—Strike out "and" at the end of paragraph (8), strike out the period at the end of paragraph (9) and insert in lieu thereof "; and", and insert after paragraph (9) the following new paragraph:

"(10) standards and testing procedures by which alternative or innovative treatment technologies can be determined to be appropriate for utilization in response actions authorized by this Act.".

(b) NEW SUBSECTIONS.—Section 105 of CERCLA is amended by adding the following new subsections at the end thereof:

President of U.S.

"(b) REVISION OF PLAN.—Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the President shall revise the National Contingency Plan to reflect the requirements of such amendments. The portion of such Plan known as 'the National Hazardous Substance Response Plan' shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this Act which are consistent with amendments made by the Superfund Amendments and Reauthorization Act of 1986 relating to the selection of remedial action.

"(c) HAZARD RANKING SYSTEM.—

Regulations.

"(1) REVISION.—Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986 and after publication of notice and opportunity for submission of comments in accordance with section 553 of title 5, United States Code, the President shall by rule promulgate amendments to the hazard ranking system in effect on September 1, 1984. Such amendments shall assure, to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The President shall establish an effective date for the amended hazard ranking system which is not later than 24 months after enactment of the Superfund Amendments and Reauthorization Act of 1986. Such amended hazard ranking system shall be applied to any site or facility to be newly listed on the National Priorities List after the effective date established by the President. Until such effective date of the regulations, the hazard ranking system in effect on September 1, 1984, shall continue in full force and effect.

100 STAT. 1626

Health and medical care.

"(2) HEALTH ASSESSMENT OF WATER CONTAMINATION RISKS.—In carrying out this subsection, the President shall ensure that the human health risks associated with the contamination or potential contamination (either directly or as a result of the runoff of any hazardous substance or pollutant or contaminant from sites or facilities) of surface water are appropriately assessed where such surface water is, or can be, used for recreation or potable water consumption. In making the assessment required pursuant to the preceding sentence, the President shall take into account the potential migration of any hazardous substance or pollutant or contaminant through such surface water to downstream sources of drinking water.

"(3) REEVALUATION NOT REQUIRED.—The President shall not be required to reevaluate, after the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986, the hazard ranking of any facility which was evaluated in accordance with the criteria under this section before the effective date of the amendments to the hazard ranking system under this subsection and which was assigned a national priority under the National Contingency Plan.

"(4) NEW INFORMATION.—Nothing in paragraph (3) shall preclude the President from taking new information into account in undertaking response actions under this Act.

Health and medical care.

"(d) PETITION FOR ASSESSMENT OF RELEASE.—Any person who is, or may be, affected by a release or threatened release of a hazardous substance or pollutant or contaminant, may petition the President to conduct a preliminary assessment of the hazards to public health and the environment which are associated with such release or threatened release. If the President has not previously conducted a preliminary assessment of such release, the President shall, within 12 months after the receipt of any such petition, complete such assessment or provide an explanation of why the assessment is not appropriate. If the preliminary assessment indicates that the release or threatened release concerned may pose a threat to human health or the environment, the President shall promptly evaluate such release or threatened release in accordance with the hazard ranking system referred to in paragraph (8)(A) of subsection (a) to determine the national priority of such release or threatened release.

"(e) RELEASES FROM EARLIER SITES.—Whenever there has been, after January 1, 1985, a significant release of hazardous substances or pollutants or contaminants from a site which is listed by the President as a 'Site Cleaned Up To Date' on the National Priorities List (revised edition, December 1984) the site shall be restored to the National Priorities List, without application of the hazard ranking system.

100 STAT. 1627

"(f) MINORITY CONTRACTORS.—In awarding contracts under this Act, the President shall consider the availability of qualified minority firms. The President shall describe, as part of any annual report submitted to the Congress under this Act, the participation of minority firms in contracts carried out under this Act. Such report shall contain a brief description of the contracts which have been awarded to minority firms under this Act and of the efforts made by the President to encourage the participation of such firms in programs carried out under this Act.

Reports.

"(g) SPECIAL STUDY WASTES.—

"(1) APPLICATION.—This subsection applies to facilities—

"(A) which as of the date of enactment of the Superfund Amendments and Reauthorization Act of 1986 were not included on, or proposed for inclusion on, the National Priorities List; and

"(B) at which special study wastes described in paragraph (2), (3)(A)(ii) or (3)(A)(iii) of section 3001(b) of the Solid Waste Disposal Act are present in significant quantities, including any such facility from which there has been a release of a special study waste.

42 USC 6921.

"(2) CONSIDERATIONS IN ADDING FACILITIES TO NPL.—Pending revision of the hazard ranking system under subsection (c), the President shall consider each of the following factors in adding facilities covered by this section to the National Priorities List:

"(A) The extent to which hazard ranking system score for the facility is affected by the presence of any special study waste at, or any release from, such facility.

"(B) Available information as to the quantity, toxicity, and concentration of hazardous substances that are constituents of any special study waste at, or released from such facility, the extent of or potential for release of such hazardous constituents, the exposure or potential exposure to human population and the environment, and the degree of hazard to human health or the environment posed by the release of such hazardous constituents at such facility. This subparagraph refers only to available information on actual concentrations of hazardous substances and not on the total quantity of special study waste at such facility.

"(3) SAVINGS PROVISIONS.—Nothing in this subsection shall be construed to limit the authority of the President to remove any facility which as of the date of enactment of the Superfund

Amendments and Reauthorization Act of 1986 is included on the National Priorities List from such List, or not to list any facility which as of such date is proposed for inclusion on such list.

"(4) INFORMATION GATHERING AND ANALYSIS.—Nothing in this Act shall be construed to preclude the expenditure of monies from the Fund for gathering and analysis of information which will enable the President to consider the specific factors required by paragraph (2).".

SEC. 106. REIMBURSEMENT.

Claims.

Section 106(b) of CERCLA is amended as follows: *Post*, p. 1633.

(1) Insert "(1)" after "(b)".

(2) Strike out "who willfully" and insert "who, without sufficient cause, willfully".

(3) Add at the end thereof the following new paragraph:

"(2)(A) Any person who receives and complies with the terms of any order issued under subsection (a) may, within 60 days after completion of the required action, petition the President for reimbursement from the Fund for the reasonable costs of such action, plus interest. Any interest payable under this paragraph shall accrue on the amounts expended from the date of expenditure at the same rate as specified for interest on investments of the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954. 26 USC 9501.

"(B) If the President refuses to grant all or part of a petition made under this paragraph, the petitioner may within 30 days of receipt of such refusal file an action against the President in the appropriate United States district court seeking reimbursement from the Fund.

"(C) Except as provided in subparagraph (D), to obtain reimbursement, the petitioner shall establish by a preponderance of the evidence that it is not liable for response costs under section 107(a) and that costs for which it seeks reimbursement are reasonable in light of the action required by the relevant order. 42 USC 9607.

"(D) A petitioner who is liable for response costs under section 107(a) may also recover its reasonable costs of response to the extent that it can demonstrate, on the administrative record, that the President's decision in selecting the response action ordered was arbitrary and capricious or was otherwise not in accordance with law. Reimbursement awarded under this subparagraph shall include all reasonable response costs incurred by the petitioner pursuant to the portions of the order found to be arbitrary and capricious or otherwise not in accordance with law.

"(E) Reimbursement awarded by a court under subparagraph (C) or (D) may include appropriate costs, fees, and other expenses in accordance with subsections (a) and (d) of section 2412 of title 28 of the United States Code.".

SEC. 107. LIABILITY.

42 USC 9607.

(a) FOREIGN VESSELS.—Section 107(a)(1) of CERCLA is amended by striking out "(otherwise subject to the jurisdiction of the United States)".

(b) RECOVERABLE COSTS AND DAMAGES.—Section 107(a) of CERCLA is amended by striking out "and" at the end of subparagraph (B), striking out the period at the end of subparagraph (C) and inserting "; and" and inserting at the end thereof the following: *Post*, p. 1705.

"(D) the costs of any health assessment or health effects study carried out under section 104(i). *Post*, p. 1636.

The amounts recoverable in an action under this section shall include interest on the amounts recoverable under subparagraphs (A) through (D). Such interest shall accrue from the later of (i) the date payment of a specified amount is demanded in writing, or (ii) the date of the expenditure concerned. The rate of interest on the

100 STAT. 1629

outstanding unpaid balance of the amounts recoverable under this section shall be the same rate as is specified for interest on investments of the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954. For purposes of applying such amendments to interest under this subsection, the term 'comparable maturity' shall be determined with reference to the date on which interest accruing under this subsection commences.".

26 USC 9501.

Claims.
42 USC 9607.

(c) Rendering Care or Advice; Emergency Response Actions.—Section 107(d) of CERCLA is amended to read as follows:

"(d) Rendering Care or Advice.—

Health and medical care.

"(1) In general.—Except as provided in paragraph (2), no person shall be liable under this title for costs or damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the National Contingency Plan ('NCP') or at the direction of an onscene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any releases of a hazardous substance or the threat thereof. This paragraph shall not preclude liability for costs or damages as the result of negligence on the part of such person.

"(2) State and local governments.—No State or local government shall be liable under this title for costs or damages as a result of actions taken in response to an emergency created by the release or threatened release of a hazardous substance generated by or from a facility owned by another person. This paragraph shall not preclude liability for costs or damages as a result of gross negligence or intentional misconduct by the State or local government. For the purpose of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

"(3) Savings provision.—This subsection shall not alter the liability of any person covered by the provisions of paragraph (1), (2), (3), or (4) of subsection (a) of this section with respect to the release or threatened release concerned.".

(d) Natural Resources.—

Post, p. 1705.

(1) Designation of federal and state officials.—Section 107(f) of CERCLA is amended by inserting "(1) Natural Resources Liability.—" after "(f)" and by adding at the end thereof the following new paragraphs:

"(2) Designation of federal and state officials.—

President of U.S.

"(A) Federal.—The President shall designate in the National Contingency Plan published under section 105 of this Act the Federal officials who shall act on behalf of the public as trustees for natural resources under this Act and section 311 of the Federal Water Pollution Control Act. Such officials shall assess damages for injury to, destruction of, or loss of natural resources for purposes of this Act and such section 311 for those resources under their trusteeship and may, upon request of and reimbursement from a State and at the Federal officials' discretion, assess damages for those natural resources under the State's trusteeship.

33 USC 1321.

"(B) State.—The Governor of each State shall designate State officials who may act on behalf of the public as trustees for natural resources under this Act and section 311 of the Federal Water Pollution Control Act and shall notify the President of such designations. Such State officials shall assess damages to natural resources for the purposes of this Act and such section 311 for those natural resources under their trusteeship.

100 STAT. 1630

33 USC 1321.

"(C) Rebuttable presumption.—Any determination or assessment of damages to natural resources for the purposes of this Act and section 311 of the Federal Water Pollution Control Act made by a Federal or State trustee in

33 USC 1321.

accordance with the regulations promulgated under section 301(c) of this Act shall have the force and effect of a rebuttable presumption on behalf of the trustee in any administrative or judicial proceeding under this Act or section 311 of the Federal Water Pollution Control Act.".

42 USC 9651.

42 USC 9607.

(2) USE OF RECOVERED FUNDS.—Section 107(f)(1) of CERCLA (as designated by paragraph (1) of this subsection) is amended by striking out the third sentence and inserting in lieu thereof the following: "Sums recovered by the United States Government as trustee under this subsection shall be retained by the trustee, without further appropriation, for use only to restore, replace, or acquire the equivalent of such natural resources. Sums recovered by a State as trustee under this subsection shall be available for use only to restore, replace, or acquire the equivalent of such natural resources by the State. The measure of damages in any action under subparagraph (C) of subsection (a) shall not be limited by the sums which can be used to restore or replace such resources. There shall be no double recovery under this Act for natural resource damages, including the costs of damage assessment or restoration, rehabilitation, or acquisition for the same release and natural resource".

President of U.S.
42 USC 9651.

(3) DEADLINE FOR SECTION 301 REGULATIONS.—Section 301(c)(1) of CERCLA is amended by adding the following at the end thereof: "Notwithstanding the failure of the President to promulgate the regulations required under this subsection on the required date, the President shall promulgate such regulations not later than 6 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986.".

42 USC 9607.

(e) FEDERAL AGENCIES.—Section 107(g) of CERCLA is amended to read as follows:

"(g) FEDERAL AGENCIES.—For provisions relating to Federal agencies, see section 120 of this Act."

Claims.

(f) FEDERAL LIEN.—Section 107 of CERCLA is amended by adding at the end thereof the following new subsection:

"(l) FEDERAL LIEN.—

Real property.
Vessels.

"(1) IN GENERAL.—All costs and damages for which a person is liable to the United States under subsection (a) of this section (other than the owner or operator of a vessel under paragraph (1) of subsection (a)) shall constitute a lien in favor of the United States upon all real property and rights to such property which—

"(A) belong to such person; and

"(B) are subject to or affected by a removal or remedial action.

"(2) DURATION.—The lien imposed by this subsection shall arise at the later of the following:

"(A) The time costs are first incurred by the United States with respect to a response action under this Act.

100 STAT. 1631

"(B) The time that the person referred to in paragraph (1) is provided (by certified or registered mail) written notice of potential liability.

Such lien shall continue until the liability for the costs (or a judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the statute of limitations provided in section 113.

Post, 1647.

State and local governments.

"(3) NOTICE AND VALIDITY.—The lien imposed by this subsection shall be subject to the rights of any purchaser, holder of a security interest, or judgment lien creditor whose interest is perfected under applicable State law before notice of the lien has been filed in the appropriate office within the State (or county or other governmental subdivision), as designated by State law, in which the real property subject to the lien is located. Any such purchaser, holder of a security interest, or judgment lien creditor shall be afforded the same protections against the lien imposed by this subsection as are afforded under State law against a judgment lien which arises out of an unsecured obligation and which arises as of the time of the filing of the notice of the lien imposed by this subsection. If the State has not by law designated one office for the receipt of such notices of liens, the notice shall be filed in the office of the clerk of the United States district court for the district in which the real property is located. For purposes of this subsection, the terms 'purchaser' and 'security interest' shall have the definitions provided under section 6323(h) of the Internal Revenue Code of 1954.

26 USC 6323.

"(4) Action in rem.—The costs constituting the lien may be recovered in an action in rem in the United States district court for the district in which the removal or remedial action is occurring or has occurred. Nothing in this subsection shall affect the right of the United States to bring an action against any person to recover all costs and damages for which such person is liable under subsection (a) of this section.

Vessels.

"(m) Maritime Lien.—All costs and damages for which the owner or operator of a vessel is liable under subsection (a)(1) with respect to a release or threatened release from such vessel shall constitute a maritime lien in favor of the United States on such vessel. Such costs may be recovered in an action in rem in the district court of the United States for the district in which the vessel may be found. Nothing in this subsection shall affect the right of the United States to bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.".

42 USC 9608.

SEC. 108. FINANCIAL RESPONSIBILITY.

(a) Evidence of Financial Responsibility.—Section 108(b)(2) of CERCLA is amended by adding the following at the end thereof: "Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary, or which are unacceptable, in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.".

President of U.S

(b) Phase-In Period.—Section 108(b)(3) of CERCLA is amended by striking out "over a period of not less than three and no more than six years" and inserting in lieu thereof "as quickly as can reasonably be achieved but in no event more than 4 years".

100 STAT. 1632

Claims.
42 USC 9608.

(c) Direct Action; Liability.—Subsections (c) and (d) of section 108 of CERCLA are amended to read as follows:

"(c) Direct Action.—

"(1) Releases from vessels.—In the case of a release or threatened release from a vessel, any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility for such vessel under subsection (a). In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but the guarantor may not invoke any other defense that the guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

"(2) Releases from facilities.—In the case of a release or threatened release from a facility, any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility for such facility under subsection (b), if the person liable under section 107 is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code, or if, with reasonable diligence, jurisdiction in the Federal courts cannot be obtained over a person

11 USC 101 *et seq.*

liable under section 107 who is likely to be solvent at the time of judgment. In the case of any action pursuant to this paragraph, the guarantor shall be entitled to invoke all rights and defenses which would have been available to the person liable under section 107 if any action had been brought against such person by the claimant and all rights and defenses which would have been available to the guarantor if an action had been brought against the guarantor by such person.

"(d) LIMITATION OF GUARANTOR LIABILITY.—

"(1) TOTAL LIABILITY.—The total liability of any guarantor in a direct action suit brought under this section shall be limited to the aggregate amount of the monetary limits of the policy of insurance, guarantee, surety bond, letter of credit, or similar instrument obtained from the guarantor by the person subject to liability under section 107 for the purpose of satisfying the requirement for evidence of financial responsibility.

"(2) OTHER LIABILITY.—Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual, or common law liability of a guarantor, including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed, interpreted, or applied to diminish the liability of any person under section 107 of this Act or other applicable law.".

SEC. 109. PENALTIES.

42 USC 9603.

(a) VIOLATIONS AND CRIMINAL PENALTIES.—

(1) NOTICE.—Section 103(b) of CERCLA is amended as follows:

(A) Insert after "knowledge of such release" the following: "or who submits in such a notification any information which he knows to be false or misleading".

100 STAT. 1633

(B) Strike out "not more than $10,000 or imprisoned for not more than one year, or both" and insert in lieu thereof "in accordance with the applicable provisions of title 18 of the United States Code or imprisoned for not more than 3 years (or not more than 5 years in the case of a second or subsequent conviction), or both".

(2) DESTRUCTION OF RECORDS.—Section 103(d)(2) of CERCLA is amended by striking out "not more than $20,000, or imprisoned for not more than one year or both." and inserting in lieu thereof "in accordance with the applicable provisions of title 18 of the United States Code or imprisoned for not more than 3 years (or not more than 5 years in the case of a second or subsequent conviction), or both.". 42 USC 9603.

(3) FALSE INFORMATION.—Section 112(b)(1) of CERCLA is amended by striking out "up to $5,000 or imprisoned for not more than one year, or both" and inserting in lieu thereof "in accordance with the applicable provisions of title 18 of the United States Code or imprisoned for not more than 3 years (or not more than 5 years in the case of a second or subsequent conviction), or both". 42 USC 9612.

(b) SECTION 106 PENALTY.—Section 106(b) of CERCLA is amended by striking out "$5,000" and inserting in lieu thereof "$25,000". 42 USC 9606.

(c) CIVIL PENALTIES AND AWARDS.—Section 109 of CERCLA is amended to read as follows:

"SEC. 109. CIVIL PENALTIES AND AWARDS.

President of U.S.
42 USC 9609.

"(a) CLASS I ADMINISTRATIVE PENALTY.—

"(1) VIOLATIONS.—A civil penalty of not more than $25,000 per violation may be assessed by the President in the case of any of the following—

"(A) A violation of the requirements of section 103 (a) or (b) (relating to notice).

"(B) A violation of the requirements of section 103(d)(2) (relating to destruction of records, etc.).

"(C) A violation of the requirements of section 108 (relating to financial responsibility, etc.), the regulations issued under section 108, or with any denial or detention order under section 108.

"(D) A violation of an order under section 122(d)(3) (relating to settlement agreements for action under section 104(b)).

"(E) Any failure or refusal referred to in section 122(l) (relating to violations of administrative orders, consent decrees, or agreements under section 120).

"(2) NOTICE AND HEARINGS.—No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

"(3) DETERMINING AMOUNT.—In determining the amount of any penalty assessed pursuant to this subsection, the President shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

100 STAT. 1634

"(4) REVIEW.—Any person against whom a civil penalty is assessed under this subsection may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the President. The President shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the United States, the President may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

Records.

"(5) SUBPOENAS.—The President may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) CLASS II ADMINISTRATIVE PENALTY.—A civil penalty of not more than $25,000 per day for each day during which the violation continues may be assessed by the President in the case of any of the following—

Ante, p. 1632.

"(1) A violation of the notice requirements of section 103 (a) or (b).

Ante, p. 1633.

"(2) A violation of section 103(d)(2) (relating to destruction of records, etc.).

"(3) A violation of the requirements of section 108 (relating to financial responsibility, etc.), the regulations issued under section 108, or with any denial or detention order under section 108.

"(4) A violation of an order under section 122(d)(3) (relating to settlement agreements for action under section 104(b)).

"(5) Any failure or refusal referred to in section 122(l) (relating to violations of administrative orders, consent decrees, or agreements under section 120).

In the case of a second or subsequent violation the amount of such penalty may be not more than $75,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and opportunity for hearing on the record in accordance with section 554 of title 5 of the United States Code. In any proceeding for the assessment of a civil penalty under this subsection the President may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures. Any person who requested a hearing with respect to a civil penalty under this subsection and who is aggrieved by an order assessing the civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

District of Columbia.

"(c) Judicial Assessment.—The President may bring an action in the United States district court for the appropriate district to assess and collect a penalty of not more than $25,000 per day for each day during which the violation (or failure or refusal) continues in the case of any of the following—

"(1) A violation of the notice requirements of section 103 (a) or (b).

Ante, p. 1632.

"(2) A violation of section 103(d)(2) (relating to destruction of records, etc.).

Ante, p. 1633.

"(3) A violation of the requirements of section 108 (relating to financial responsibility, etc.), the regulations issued under section 108, or with any denial or detention order under section 108.

"(4) A violation of an order under section 122(d)(3) (relating to settlement agreements for action under section 104(b)).

"(5) Any failure or refusal referred to in section 122(l) (relating to violations of administrative orders, consent decrees, or agreements under section 120).

In the case of a second or subsequent violation (or failure or refusal), the amount of such penalty may be not more than $75,000 for each day during which the violation (or failure or refusal) continues. For additional provisions providing for judicial assessment of civil penalties for failure to comply with a request or order under section 104(e) (relating to information gathering and access authorities), see section 104(e).

"(d) Awards.—The President may pay an award of up to $10,000 to any individual who provides information leading to the arrest and conviction of any person for a violation subject to a criminal penalty under this Act, including any violation of section 103 and any other violation referred to in this section. The President shall, by regulation, prescribe criteria for such an award and may pay any award under this subsection from the Fund, as provided in section 111.

42 USC 9603.
Regulations.

"(e) Procurement Procedures.—Notwithstanding any other provision of law, any executive agency may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a civil or criminal action under this Act, whether or not the expert is expected to testify at trial. The executive agency need not provide any written justification for the use of procedures other than competitive procedures when procuring such expert services under this Act and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

"(f) SAVINGS CLAUSE.—Action taken by the President pursuant to this section shall not affect or limit the President's authority to enforce any provisions of this Act.".

100 STAT. 1636

SEC. 110. HEALTH-RELATED AUTHORITIES.

42 USC 9604.

Section 104(i) of CERCLA is amended as follows:

(1) Insert "(1)" after "(i)" and redesignate paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E).

(2) In paragraph (1), strike "and" after "Health Administration," and insert after "Social Security Administration," the following: "the Secretary of Transportation, and appropriate State and local health officials,".

(3) Insert after "chromosomal testing" in subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following: "where appropriate".

(4) Add the following new paragraphs at the end thereof:

"(2)(A) Within 6 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) and the Administrator of the Environmental Protection Agency (EPA) shall prepare a list, in order of priority, of at least 100 hazardous substances which are most commonly found at facilities on the National Priorities List and which, in their sole discretion, they determine are posing the most significant potential threat to human health due to their known or suspected toxicity to humans and the potential for human exposure to such substances at facilities on the National Priorities List or at facilities to which a response to a release or a threatened release under this section is under consideration.

"(B) Within 24 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator of ATSDR and the Administrator of EPA shall revise the list prepared under subparagraph (A). Such revision shall include, in order of priority, the addition of 100 or more such hazardous substances. In each of the 3 consecutive 12-month periods that follow, the Administrator of ATSDR and the Administrator of EPA shall revise, in the same manner as provided in the 2 preceding sentences, such list to include not fewer than 25 additional hazardous substances per revision. The Administrator of ATSDR and the Administrator of EPA shall not less often than once every year thereafter revise such list to include additional hazardous substances in accordance with the criteria in subparagraph (A).

"(3) Based on all available information, including information maintained under paragraph (1)(B) and data developed and collected on the health effects of hazardous substances under this paragraph, the Administrator of ATSDR shall prepare toxicological profiles of each of the substances listed pursuant to paragraph (2). The toxicological profiles shall be prepared in accordance with guidelines developed by the Administrator of ATSDR and the Administrator of EPA. Such profiles shall include, but not be limited to each of the following:

"(A) An examination, summary, and interpretation of available toxicological information and epidemiologic evaluations on a hazardous substance in order to ascertain the levels of significant human exposure for the substance and the associated acute, subacute, and chronic health effects.

"(B) A determination of whether adequate information on the health effects of each substance is available or in the process of development to determine levels of exposure which present a significant risk to human health of acute, subacute, and chronic health effects. 100 STAT. 1637

"(C) Where appropriate, an identification of toxicological testing needed to identify the types or levels of exposure that may present significant risk of adverse health effects in humans.

Any toxicological profile or revision thereof shall reflect the Administrator of ATSDR's assessment of all relevant toxicological testing which has been peer reviewed. The profiles required to be prepared under this paragraph for those hazardous substances listed under subparagraph (A) of paragraph (2) shall be completed, at a rate of no fewer than 25 per year, within 4 years after the enactment of the Superfund Amendments and Reauthorization Act of 1986. A profile required on a substance listed pursuant to subparagraph (B) of paragraph (2) shall be completed within 3 years after addition to the list. The profiles prepared under this paragraph shall be of those substances highest on the list of priorities under paragraph (2) for which profiles have not previously been prepared. Profiles required under this paragraph shall be revised and republished as necessary, but no less often than once every 3 years. Such profiles shall be provided to the States and made available to other interested parties.

State and local governments.

"(4) The Administrator of the ATSDR shall provide consultations upon request on health issues relating to exposure to hazardous or toxic substances, on the basis of available information, to the Administrator of EPA, State officials, and local officials. Such consultations to individuals may be provided by States under cooperative agreements established under this Act.

Research and development.

"(5)(A) For each hazardous substance listed pursuant to paragraph (2), the Administrator of ATSDR (in consultation with the Administrator of EPA and other agencies and programs of the Public Health Service) shall assess whether adequate information on the health effects of such substance is available. For any such substance for which adequate information is not available (or under development), the Administrator of ATSDR, in cooperation with the Director of the National Toxicology Program, shall assure the initiation of a program of research designed to determine the health effects (and techniques for development of methods to determine such health effects) of such substance. Where feasible, such program shall seek to develop methods to determine the health effects of such substance in combination with other substances with which it is commonly found. Before assuring the initiation of such program, the Administrator of ATSDR shall consider recommendations of the Interagency Testing Committee established under section 4(e) of the Toxic Substances Control Act on the types of research that should be done. Such program shall include, to the extent necessary to supplement existing information, but shall not be limited to—

15 USC 2603.

"(i) laboratory and other studies to determine short, intermediate, and long-term health effects;

"(ii) laboratory and other studies to determine organ-specific, site-specific, and system-specific acute and chronic toxicity;

"(iii) laboratory and other studies to determine the manner in which such substances are metabolized or to otherwise develop an understanding of the biokinetics of such substances; and

"(iv) where there is a possibility of obtaining human data, the collection of such information.

100 STAT. 1638

"(B) In assessing the need to perform laboratory and other studies, as required by subparagraph (A), the Administrator of ATSDR shall consider—

"(i) the availability and quality of existing test data concerning the substance on the suspected health effect in question;

"(ii) the extent to which testing already in progress will, in a timely fashion, provide data that will be adequate to support the preparation of toxicological profiles as required by paragraph (3); and "(iii) such other scientific and technical factors as the Administrator of ATSDR may determine are necessary for the effective implementation of this subsection.

15 USC 2601 note.
7 USC 136 note.

"(C) In the development and implementation of any research program under this paragraph, the Administrator of ATSDR and the Administrator of EPA shall coordinate such research program implemented under this paragraph with the National Toxicology Program and with programs of toxicological testing established under the Toxic Substances Control Act and the Federal Insecticide, Fungicide and Rodenticide Act. The purpose of such coordination shall be to avoid duplication of effort and to assure that the hazardous substances listed pursuant to this subsection are tested thoroughly at the earliest practicable date. Where appropriate, consistent with such purpose, a research program under this paragraph may be carried out using such programs of toxicological testing.

Regulations.

"(D) It is the sense of the Congress that the costs of research programs under this paragraph be borne by the manufacturers and processors of the hazardous substance in question, as required in programs of toxicological testing under the Toxic Substances Control Act. Within 1 year after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator of EPA shall promulgate regulations which provide, where appropriate, for payment of such costs by manufacturers and processors under the Toxic Substances Control Act, and registrants under the Federal Insecticide, Fungicide, and Rodenticide Act, and recovery of such costs from responsible parties under this Act.

"(6)(A) The Administrator of ATSDR shall perform a health assessment for each facility on the National Priorities List established under section 105. Such health assessment shall be completed not later than December 10, 1988, for each facility proposed for inclusion on such list prior to the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986 or not later than one year after the date of proposal for inclusion on such list for each facility proposed for inclusion on such list after such date of enactment.

"(B) The Administrator of ATSDR may perform health assessments for releases or facilities where individual persons or licensed physicians provide information that individuals have been exposed to a hazardous substance, for which the probable source of such exposure is a release. In addition to other methods (formal or informal) of providing such information, such individual persons or licensed physicians may submit a petition to the Administrator of ATSDR providing such information and requesting a health assessment. If such a petition is submitted and the Administrator of ATSDR does not initiate a health assessment, the Administrator of ATSDR shall provide a written explanation of why a health assessment is not appropriate.

100 STAT. 1639

"(C) In determining the priority in which to conduct health assessments under this subsection, the Administrator of ATSDR, in consultation with the Administrator of EPA, shall give priority to those facilities at which there is documented evidence of the release of hazardous substances, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of ATSDR existing health assessment data are inadequate to assess the potential risk to human health as provided in subparagraph (F). In determining the priorities for conducting health assessments under this subsection, the Administrator of ATSDR shall consider the National Priorities List schedules and the needs of the Environmental Protection Agency and other Federal agencies pursuant to schedules for remedial investigation and feasibility studies.

"(D) Where a health assessment is done at a site on the National Priorities List, the Administrator of ATSDR shall complete such assessment promptly and, to the maximum extent practicable, before the completion of the remedial investigation and feasibility study at the facility concerned.

Reports.
State and local governments.

"(E) Any State or political subdivision carrying out a health assessment for a facility shall report the results of the assessment to the Administrator of ATSDR and the Administrator of EPA and shall include recommendations with respect to further activities which need to be carried out under this section. The Administrator of ATSDR shall state such recommendation in any report on the results of any assessment carried out directly by the Administrator of ATSDR for such facility and shall issue periodic reports which include the results of all the assessments carried out under this subsection.

"(F) For the purposes of this subsection and section 111(c)(4), the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities, based on such factors as the nature and extent of contamination, the existence of potential pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified hazardous substances and any available recommended exposure or tolerance limits for such hazardous substances, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The Administrator of ATSDR shall use appropriate data, risk assessments, risk evaluations and studies available from the Administrator of EPA.

"(G) The purpose of health assessments under this subsection shall be to assist in determining whether actions under paragraph (11) of this subsection should be taken to reduce human exposure to hazardous substances from a facility and whether additional information on human exposure and associated health risks is needed and should be acquired by conducting epidemiological studies under paragraph (7), establishing a registry under paragraph (8), establishing a health surveillance program under paragraph (9), or through other means. In using the results of health assessments for determining additional actions to be taken under this section, the Administrator of ATSDR may consider additional information on the risks to the potentially affected population from all sources of such hazardous substances including known point or nonpoint sources other than those from the facility in question.

100 STAT. 1640

"(H) At the completion of each health assessment, the Administrator of ATSDR shall provide the Administrator of EPA and each affected State with the results of such assessment, together with any recommendations for further actions under this subsection or otherwise under this Act. In addition, if the health assessment indicates that the release or threatened release concerned may pose a serious threat to human health or the environment, the Administrator of ATSDR shall so notify the Administrator of EPA who shall promptly evaluate such release or threatened release in accordance with the hazard ranking system referred to in section 105(a)(8)(A) to determine whether the site shall be placed on the National Priorities List or, if the site is already on the list, the Administrator of ATSDR may recommend to the Administrator of EPA that the site be accorded a higher priority.

"(7)(A) Whenever in the judgment of the Administrator of ATSDR it is appropriate on the basis of the results of a health assessment, the Administrator of ATSDR shall conduct a pilot study of health effects for selected groups of exposed individuals in order to determine the desirability of conducting full scale epidemiological or other health studies of the entire exposed population.

"(B) Whenever in the judgment of the Administrator of ATSDR it is appropriate on the basis of the results of such pilot study or other study or health assessment, the Administrator of ATSDR shall conduct such full scale epidemiological or other health studies as may be necessary to determine the health effects on the population exposed to hazardous substances from a release or threatened release. If a significant excess of disease in a population is identified, the letter of transmittal of such study shall include an assessment of other risk factors, other than a release, that may, in the judgment of the peer review group, be associated with such disease, if such risk factors were not taken into account in the design or conduct of the study.

"(8) In any case in which the results of a health assessment indicate a potential significant risk to human health, the Administrator of ATSDR shall consider whether the establishment of a registry of exposed persons would contribute to accomplishing the purposes of this subsection, taking into account circumstances bearing on the usefulness of such a registry, including the seriousness or unique character of identified diseases or the likelihood of population migration from the affected area.

"(9) Where the Administrator of ATSDR has determined that there is a significant increased risk of adverse health effects in humans from exposure to hazardous substances based on the results of a health assessment conducted under paragraph (6), an epidemiologic study conducted under paragraph (7), or an exposure registry that has been established under paragraph (8), and the Administrator of ATSDR has determined that such exposure is the result of a release from a facility, the Administrator of ATSDR shall initiate a health surveillance program for such population. This program shall include but not be limited to—

"(A) periodic medical testing where appropriate of population subgroups to screen for diseases for which the population or subgroup is at significant increased risk; and

"(B) a mechanism to refer for treatment those individuals within such population who are screened positive for such diseases.

Reports.

"(10) Two years after the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986, and every 2 years thereafter, the Administrator of ATSDR shall prepare and submit to the Administrator of EPA and to the Congress a report on the results of the activities of ATSDR regarding—

"(A) health assessments and pilot health effects studies conducted;

"(B) epidemiologic studies conducted;

"(C) hazardous substances which have been listed under paragraph (2), toxicological profiles which have been developed, and toxicologic testing which has been conducted or which is being conducted under this subsection;

"(D) registries established under paragraph (8); and

"(E) an overall assessment, based on the results of activities conducted by the Administrator of ATSDR, of the linkage between human exposure to individual or combinations of hazardous substances due to releases from facilities covered by this Act or the Solid Waste Disposal Act and any increased incidence or prevalence of adverse health effects in humans.

42 USC 6901 note.

President of U.S.

"(11) If a health assessment or other study carried out under this subsection contains a finding that the exposure concerned presents a significant risk to human health, the President shall take such steps as may be necessary to reduce such exposure and eliminate or substantially mitigate the significant risk to human health. Such steps may include the use of any authority under this Act, including, but not limited to—

"(A) provision of alternative water supplies, and

"(B) permanent or temporary relocation of individuals.
In any case in which information is insufficient, in the judgment of the Administrator of ATSDR or the President to determine a significant human exposure level with respect to a hazardous substance, the President may take such steps as may be necessary to reduce the exposure of any person to such hazardous substance to such level as the President deems necessary to protect human health.

"(12) In any case which is the subject of a petition, a health assessment or study, or a research program under this subsection, nothing in this subsection shall be construed to delay or otherwise affect or impair the authority of the President, the Administrator of ATSDR, or the Administrator of EPA to exercise any authority vested in the President, the Administrator of ATSDR or the Administrator of EPA under any other provision of law (including, but not limited to, the imminent hazard authority of section 7003 of the Solid Waste Disposal Act) or the response and abatement authorities of this Act. 42 USC 6973.

Reports. Research and development.

"(13) All studies and results of research conducted under this subsection (other than health assessments) shall be reported or adopted only after appropriate peer review. Such peer review shall be completed, to the maximum extent practicable, within a period of 60 days. In the case of research conducted under the National Toxicology Program, such peer review may be conducted by the Board of Scientific Counselors. In the case of other research, such peer review shall be conducted by panels consisting of no less than three nor more than seven members, who shall be disinterested scientific experts selected for such purpose by the Administrator of ATSDR or the Administrator of EPA, as appropriate, on the basis of their reputation for scientific objectivity and the lack of institutional ties with any person involved in the conduct of the study or research under review. Support services for such panels shall be provided by the Agency for Toxic Substances and Disease Registry, or by the Environmental Protection Agency, as appropriate.

100 STAT. 1642

"(14) In the implementation of this subsection and other health-related authorities of this Act, the Administrator of ATSDR shall assemble, develop as necessary, and distribute to the States, and upon request to medical colleges, physicians, and other health professionals, appropriate educational materials (including short courses) on the medical surveillance, screening, and methods of diagnosis and treatment of injury or disease related to exposure to hazardous substances (giving priority to those listed in paragraph (2)), through such means as the Administrator of ATSDR deems appropriate.

"(15) The activities of the Administrator of ATSDR described in this subsection and section 111(c)(4) shall be carried out by the Administrator of ATSDR, either directly or through cooperative agreements with States (or political subdivisions thereof) which the Administrator of ATSDR determines are capable of carrying out such activities. Such activities shall include provision of consultations on health information, the conduct of health assessments, including those required under section 3019(b) of the Solid Waste Disposal Act, health studies, registries, and health surveillance. 42 USC 6939a.

President of U.S. Employment and unemployment.

"(16) The President shall provide adequate personnel for ATSDR, which shall not be fewer than 100 employees. For purposes of determining the number of employees under this subsection, an employee employed by ATSDR on a part-time career employment basis shall be counted as a fraction which is determined by dividing 40 hours into the average number of hours of such employee's regularly scheduled workweek.

"(17) In accordance with section 120 (relating to Federal facilities), the Administrator of ATSDR shall have the same authorities under this section with respect to facilities owned or operated by a department, agency, or instrumentality of the United States as the Administrator of ATSDR has with respect to any nongovernmental entity.

"(18) If the Administrator of ATSDR determines that it is appropriate for purposes of this section to treat a pollutant or contaminant as a hazardous substance, such pollutant or contaminant shall be treated as a hazardous substance for such purpose.".

42 USC 9611.

SEC. 111. USES OF FUND.

Appropriation authorization.

(a) Amount of Fund.—Section 111 of CERCLA is amended by inserting after "(a)" the following: "In General.—For the purposes specified in this section there is authorized to be appropriated from the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986 not more than $8,500,000,000 for the 5-year period beginning on the date of enactment of the Superfund Amendments and Reauthorization Act of 1986, and such sums shall remain available until expended. The preceding sentence constitutes a specific authorization for the funds appropriated under title II of Public Law 99-160 (relating to payment to the Hazardous Substances Trust Fund).".

99 Stat. 916.

100 STAT. 1643

(b) Uses of Funds Under Section 111(a).—Section 111(a) of CERCLA is amended by striking out "; and" at the end of paragraph (3) and inserting a period, by striking out the semicolons at the end of paragraphs (1) and (2) and inserting in lieu thereof a period, by capitalizing the first letter in paragraphs (1) through (4), and by adding at the end thereof the following:

"(5) Grants for technical assistance.—The cost of grants under section 117(e) (relating to public participation grants for technical assistance).

"(6) Lead contaminated soil.—Payment of not to exceed $15,000,000 for the costs of a pilot program for removal, decontamination, or other action with respect to lead-contaminated soil in one to three different metropolitan areas.".

42 USC 9611.

(c) Natural Resource Damage Claims.—

(1) Limitation.—Section 111(b) of CERCLA is amended by inserting "(1) In General.—" after "(b)" and by adding at the end thereof the following new paragraph:

President of U.S.

"(2) Limitation on payment of natural resource claims.—

"(A) General requirements.—No natural resource claim may be paid from the Fund unless the President determines that the claimant has exhausted all administrative and judicial remedies to recover the amount of such claim from persons who may be liable under section 107.

42 USC 9607.

"(B) Definition.—As used in this paragraph, the term 'natural resource claim' means any claim for injury to, or destruction or loss of, natural resources. The term does not include any claim for the costs of natural resource damage assessment.".

(2) Conforming amendment.—Section 111(h) of CERCLA is repealed.

(d) Subsection (c) Amendments.—

(1) Section 111(c)(4).—Section 111(c)(4) of CERCLA is amended by striking out "the costs of epidemiologic studies" and inserting "Any costs incurred in accordance with subsection (m) of this section (relating to ATSDR) and section 104(i), including the costs of epidemiologic and laboratory studies, health assessments, preparation of toxicologic profiles".

Ante, p. 1636.

(2) New paragraphs in section 111(c).—Section 111(c) of CERCLA is amended by striking out "; and" at the end of paragraph (5) and inserting a period, by striking out the semicolons at the end of paragraphs (1) through (4) and inserting in lieu thereof a period, by capitalizing the first letter in paragraphs (1), (2), (3), (5), and (6), and by adding at the end thereof the following:

"(7) Evaluation costs under petition provisions of section 105(d).—Costs incurred by the President in evaluating facilities pursuant to petitions under section 105(d) (relating to petitions for assessment of release).

"(8) CONTRACT COSTS UNDER SECTION 104(a)(1).—The costs of contracts or arrangements entered into under section 104(a)(1) to oversee and review the conduct of remedial investigations and feasibility studies undertaken by persons other than the President and the costs of appropriate Federal and State oversight of remedial activities at National Priorities List sites resulting from consent orders or settlement agreements.

"(9) ACQUISITION COSTS UNDER SECTION 104(j).—The costs incurred by the President in acquiring real estate or interests in real estate under section 104(j) (relating to acquisition of property).

"(10) RESEARCH, DEVELOPMENT, AND DEMONSTRATION COSTS UNDER SECTION 311.—The cost of carrying out section 311 (relating to research, development, and demonstration), except that the amounts available for such purposes shall not exceed the amounts specified in subsection (n) of this section.

Post, p. 1708.

"(11) LOCAL GOVERNMENT REIMBURSEMENT.—Reimbursements to local governments under section 123, except that during the 5-fiscal-year period beginning October 1, 1986, not more than 0.1 percent of the total amount appropriated from the Fund may be used for such reimbursements.

"(12) WORKER TRAINING AND EDUCATION GRANTS.—The costs of grants under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 for training and education of workers to the extent that such costs do not exceed $10,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.

"(13) AWARDS UNDER SECTION 109.—The costs of any awards granted under section 109(d).

"(14) LEAD POISONING STUDY.—The cost of carrying out the study under subsection (f) of section 118 of the Superfund Amendments and Reauthorization Act of 1986 (relating to lead poisoning in children).".

(e) LIMITATION ON CERTAIN CLAIMS.—Section 111(e)(2) of CERCLA is amended by adding at the end the following: "No money in the Fund may be used for the payment of any claim under subsection (a)(3) or subsection (b) of this section in any fiscal year for which the President determines that all of the Fund is needed for response to threats to public health from releases or threatened releases of hazardous substances.".

42 USC 9611.

(f) FUND USE OUTSIDE FEDERAL PROPERTY BOUNDARIES.—Section 111(e)(3) of CERCLA is amended by inserting the following before the period: "; except that money in the Fund shall be available for the provision of alternative water supplies (including the reimbursement of costs incurred by a municipality) in any case involving groundwater contamination outside the boundaries of a federally owned facility in which the federally owned facility is not the only potentially responsible party".

(g) INSPECTOR GENERAL.—Section 111(k) of CERCLA is amended to read as follows:

"(k) INSPECTOR GENERAL.—In each fiscal year, the Inspector General of each department, agency, or instrumentality of the United States which is carrying out any authority of this Act shall conduct an annual audit of all payments, obligations, reimbursements, or other uses of the Fund in the prior fiscal year, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. The audit shall include an examination of a sample of agreements with States (in accordance with the provisions of the Single Audit Act) carrying out response actions under this title and an examination of remedial investigations and feasibility studies prepared for remedial actions. The Inspector General shall submit to the Congress an annual report regarding the audit report required under this subsection. The report shall contain such recommendations as the Inspector General deems appropriate. Each department, agency, or instrumentality of the United States shall cooperate with its inspector general in carrying out this subsection.".

31 USC 7501 note.

Reports.

Post, p. 1706.
100 STAT. 1645

(h) New Subsections.—Section 111 of CERCLA is amended by adding after subsection (l) the following new subsections:

Ante, pp. 1643, 1636.

"(m) Agency for Toxic Substances and Disease Registry.—There shall be directly available to the Agency for Toxic Substances and Disease Registry to be used for the purpose of carrying out activities described in subsection (c)(4) and section 104(i) not less than $50,000,000 per fiscal year for each of fiscal years 1987 and 1988, not less than $55,000,000 for fiscal year 1989, and not less than $60,000,000 per fiscal year for each of fiscal years 1990 and 1991. Any funds so made available which are not obligated by the end of the fiscal year in which made available shall be returned to the Fund.

"(n) Limitations on Research, Development, and Demonstration Program.—

Post, p. 1708.

"(1) Section 311(b).—For each of the fiscal years 1987, 1988, 1989, 1990, and 1991, not more than $20,000,000 of the amounts available in the Fund may be used for the purposes of carrying out the applied research, development, and demonstration program for alternative or innovative technologies and training program authorized under section 311(b) (relating to research, development, and demonstration) other than basic research. Such amounts shall remain available until expended.

"(2) Section 311(a).—From the amounts available in the Fund, not more than the following amounts may be used for the purposes of section 311(a) (relating to hazardous substance research, demonstration, and training activities):

"(A) For the fiscal year 1987, $3,000,000.
"(B) For the fiscal year 1988, $10,000,000.
"(C) For the fiscal year 1989, $20,000,000.
"(D) For the fiscal year 1990, $30,000,000.
"(E) For the fiscal year 1991, $35,000,000.

No more than 10 percent of such amounts shall be used for training under section 311(a) in any fiscal year.

"(3) Section 311(d).—For each of the fiscal years 1987, 1988, 1989, 1990, and 1991, not more than $5,000,000 of the amounts available in the Fund may be used for the purposes of section 311(d) (relating to university hazardous substance research centers).

President of U.S.
State and local governments.
Claims.

"(o) Notification Procedures for Limitations on Certain Payments.—Not later than 90 days after the enactment of this subsection, the President shall develop and implement procedures to adequately notify, as soon as practicable after a site is included on the National Priorities List, concerned local and State officials and other concerned persons of the limitations, set forth in subsection (a)(2) of this section, on the payment of claims for necessary response costs incurred with respect to such site.".

Post, p. 1706.

(i) Authorization of Appropriations.—Section 111 of CERCLA is amended by adding the following subsection after subsection (o):

"(p) General Revenue Share of Superfund.—

"(1) In general.—The following sums are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Hazardous Substance Superfund:

"(A) For fiscal year 1987, $212,500,000.
"(B) For fiscal year 1988, $212,500,000.
"(C) For fiscal year 1989, $212,500,000.
"(D) For fiscal year 1990, $212,500,000.
"(E) For fiscal year 1991, $212,500,000.

100 STAT. 1646
42 USC 9631.

In addition there is authorized to be appropriated to the Hazardous Substance Superfund for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under this subsection (and paragraph (2) of section 221(b) of the Hazardous Substance Response Revenue Act of 1980) as has not been appropriated before the beginning of the fiscal year involved.

"(2) COMPUTATION.—The amounts authorized to be appropriated under paragraph (1) of this subsection in a given fiscal year shall be available only to the extent that such amount exceeds the amount determined by the Secretary under section 9507(b)(2) of the Internal Revenue Code of 1986 for the prior fiscal year.".

26 USC 9507.

SEC. 112. CLAIMS PROCEDURE.

42 USC 9612.

(a) CLAIMS AGAINST THE FUND FOR RESPONSE COSTS.—Section 112(a) of CERCLA is amended to read as follows:

"(a) CLAIMS AGAINST THE FUND FOR RESPONSE COSTS.—No claim may be asserted against the Fund pursuant to section 111(a) unless such claim is presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107. In any case where the claim has not been satisfied within 60 days of presentation in accordance with this subsection, the claimant may present the claim to the Fund for payment. No claim against the Fund may be approved or certified during the pendency of an action by the claimant in court to recover costs which are the subject of the claim.".

42 USC 9607.

(b) PROCEDURES.—Section 112(b) is amended by striking "(b)(1)" and inserting "(b)(1) PRESCRIBING FORMS AND PROCEDURES.—" and by striking paragraphs (2), (3), and (4) and inserting the following:

"(2) PAYMENT OR REQUEST FOR HEARING.—The President may, if satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim, except that no claim may be awarded to the extent that a judicial judgment has been made on the costs that are the subject of the claim. If the President declines to pay all or part of the claim, the claimant may, within 30 days after receiving notice of the President's decision, request an administrative hearing.

President of U.S.

"(3) BURDEN OF PROOF.—In any proceeding under this subsection, the claimant shall bear the burden of proving his claim.

"(4) DECISIONS.—All administrative decisions made hereunder shall be in writing, with notification to all appropriate parties, and shall be rendered within 90 days of submission of a claim to an administrative law judge, unless all the parties to the claim agree in writing to an extension or unless the President, in his discretion, extends the time limit for a period not to exceed sixty days.

"(5) FINALITY AND APPEAL.—All administrative decisions hereunder shall be final, and any party to the proceeding may appeal a decision within 30 days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the release or threat of release took place. In any such appeal, the decision shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of discretion.

"(6) PAYMENT.—Within 20 days after the expiration of the appeal period for any administrative decision concerning an award, or within 20 days after the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.".

President of U.S.

100 STAT. 1647

(c) STATUTE OF LIMITATIONS.—Section 112(d) of CERCLA is amended to read as follows:

42 USC 9612.

"(d) STATUTE OF LIMITATIONS.—

"(1) CLAIMS FOR RECOVERY OF COSTS.—No claim may be presented under this section for recovery of the costs referred to in section 107(a) after the date 6 years after the date of completion of all response action.

"(2) CLAIMS FOR RECOVERY OF DAMAGES.—No claim may be presented under this section for recovery of the damages referred to in section 107(a) unless the claim is presented within 3 years after the later of the following:

"(A) The date of the discovery of the loss and its connection with the release in question.

"(B) The date on which final regulations are promulgated under section 301(c).

42 USC 9651.

"(3) MINORS AND INCOMPETENTS.—The time limitations contained herein shall not begin to run—

"(A) against a minor until the earlier of the date when such minor reaches 18 years of age or the date on which a legal representative is duly appointed for the minor, or

"(B) against an incompetent person until the earlier of the date on which such person's incompetency ends or the date on which a legal representative is duly appointed for such incompetent person.".

(d) DOUBLE RECOVERY PROHIBITED.—Section 112 of CERCLA is amended by adding the following new subsection at the end thereof:

"(f) DOUBLE RECOVERY PROHIBITED.—Where the President has paid out of the Fund for any response costs or any costs specified under section 111(c) (1) or (2), no other claim may be paid out of the Fund for the same costs.".

42 USC 9613.

SEC. 113. LITIGATION, JURISDICTION, AND VENUE.

(a) NATIONWIDE SERVICE OF PROCESS.—Section 113 of CERCLA is amended by adding the following new subsection at the end thereof:

"(e) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.".

Claims.

(b) CONTRIBUTION; STATUTE OF LIMITATIONS.—Section 113 of CERCLA is amended by adding the following new subsections after subsection (e):

"(f) CONTRIBUTION.—

"(1) CONTRIBUTION.—Any person may seek contribution from any other person who is liable or potentially liable under section 107(a), during or following any civil action under section 106 or under section 107(a). Such claims shall be brought in accordance with this section and the Federal Rules of Civil Procedure, and shall be governed by Federal law. In resolving contribution claims, the court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate. Nothing in this subsection shall diminish the right of any person to bring an action for contribution in the absence of a civil action under section 106 or section 107.

"(2) SETTLEMENT.—A person who has resolved its liability to the United States or a State in an administrative or judicially approved settlement shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

State and local governments.

"(3) PERSONS NOT PARTY TO SETTLEMENT.—(A) If the United States or a State has obtained less than complete relief from a person who has resolved its liability to the United States or the State in an administrative or judicially approved settlement, the United States or the State may bring an action against any person who has not so resolved its liability.

"(B) A person who has resolved its liability to the United States or a State for some or all of a response action or for some or all of the costs of such action in an administrative or judicially approved settlement may seek contribution from any person who is not party to a settlement referred to in paragraph (2).

"(C) In any action under this paragraph, the rights of any person who has resolved its liability to the United States or a State shall be subordinate to the rights of the United States or the State. Any contribution action brought under this paragraph shall be governed by Federal law.

"(g) PERIOD IN WHICH ACTION MAY BE BROUGHT.—

"(1) ACTIONS FOR NATURAL RESOURCE DAMAGES.—Except as provided in paragraphs (3) and (4), no action may be commenced for damages (as defined in section 101(6)) under this Act, unless that action is commenced within 3 years after the later of the following:

42 USC 9601.

"(A) The date of the discovery of the loss and its connection with the release in question.

"(B) The date on which regulations are promulgated under section 301(c).

42 USC 9651.

Vessels.

With respect to any facility listed on the National Priorities List (NPL), any Federal facility identified under section 120 (relating to Federal facilities), or any vessel or facility at which a remedial action under this Act is otherwise scheduled, an action for damages under this Act must be commenced within 3 years after the completion of the remedial action (excluding operation and maintenance activities) in lieu of the dates referred to in subparagraph (A) or (B). In no event may an action for damages under this Act with respect to such a vessel or facility be commenced (i) prior to 60 days after the Federal or State natural resource trustee provides to the President and the potentially responsible party a notice of intent to file suit, or (ii) before selection of the remedial action if the President is diligently proceeding with a remedial investigation and feasibility study under section 104(b) or section 120 (relating to Federal facilities). The limitation in the preceding sentence on commencing an action before giving notice or before selection of the remedial action does not apply to actions filed on or before the enactment of the Superfund Amendments and Reauthorization Act of 1986.

"(2) ACTIONS FOR RECOVERY OF COSTS.—An initial action for recovery of the costs referred to in section 107 must be commenced—

"(A) for a removal action, within 3 years after completion of the removal action, except that such cost recovery action must be brought within 6 years after a determination to grant a waiver under section 104(c)(1)(C) for continued response action; and

"(B) for a remedial action, within 6 years after initiation of physical on-site construction of the remedial action, except that, if the remedial action is initiated within 3 years after the completion of the removal action, costs incurred in the removal action may be recovered in the cost recovery action brought under this subparagraph.

In any such action described in this subsection, the court shall enter a declaratory judgment on liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages. A subsequent action or actions under section 107 for further response costs at the vessel or facility may be maintained at any time during the response action, but must be commenced no later than 3 years after the date of completion of all response action. Except as otherwise provided in this paragraph, an action may be commenced under section 107 for recovery of costs at any time after such costs have been incurred.

"(3) CONTRIBUTION.—No action for contribution for any response costs or damages may be commenced more than 3 years after—

"(A) the date of judgment in any action under this Act for recovery of such costs or damages, or

"(B) the date of an administrative order under section 122(g) (relating to de minimis settlements) or 122(h) (relating to cost recovery settlements) or entry of a judicially approved settlement with respect to such costs or damages.

"(4) Subrogation.—No action based on rights subrogated pursuant to this section by reason of payment of a claim may be commenced under this title more than 3 years after the date of payment of such claim.

"(5) Actions to recover indemnification payments.—Notwithstanding any other provision of this subsection, where a payment pursuant to an indemnification agreement with a response action contractor is made under section 119, an action under section 107 for recovery of such indemnification payment from a potentially responsible party may be brought at any time before the expiration of 3 years from the date on which such payment is made.

"(6) Minors and incompetents.—The time limitations contained herein shall not begin to run—

"(A) against a minor until the earlier of the date when such minor reaches 18 years of age or the date on which a legal representative is duly appointed for such minor, or

"(B) against an incompetent person until the earlier of the date on which such incompetent's incompetency ends or the date on which a legal representative is duly appointed for such incompetent.".

42 USC 9613.

(c) Pre-Enforcement Review.—

(1) Conforming amendment.—Section 113(b) of CERCLA is amended by striking out "subsection" and inserting in lieu thereof "subsections" and inserting "and (h)" after "(a)".

100 STAT. 1650

42 USC 9613.

(2) Timing of review; administrative record.—Section 113 of CERCLA is amended by adding at the end thereof the following new subsections:

"(h) Timing of Review.—No Federal court shall have jurisdiction under Federal law other than under section 1332 of title 28 of the United States Code (relating to diversity of citizenship jurisdiction) or under State law which is applicable or relevant and appropriate under section 121 (relating to cleanup standards) to review any challenges to removal or remedial action selected under section 104, or to review any order issued under section 106(a), in any action except one of the following:

"(1) An action under section 107 to recover response costs or damages or for contribution.

"(2) An action to enforce an order issued under section 106(a) or to recover a penalty for violation of such order.

"(3) An action for reimbursement under section 106(b)(2).

"(4) An action under section 310 (relating to citizens suits) alleging that the removal or remedial action taken under section 104 or secured under section 106 was in violation of any requirement of this Act. Such an action may not be brought with regard to a removal where a remedial action is to be undertaken at the site.

"(5) An action under section 106 in which the United States has moved to compel a remedial action.

42 USC 9201 note.

"(i) Intervention.—In any action commenced under this Act or under the Solid Waste Disposal Act in a court of the United States, any person may intervene as a matter of right when such person claims an interest relating to the subject of the action and is so situated that the disposition of the action may, as a practical matter, impair or impede the person's ability to protect that interest, unless the President or the State shows that the person's interest is adequately represented by existing parties.

"(j) Judicial Review.—

"(1) Limitation.—In any judicial action under this Act, judicial review of any issues concerning the adequacy of any response action taken or ordered by the President shall be limited to the administrative record. Otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court.

"(2) Standard.—In considering objections raised in any judicial action under this Act, the court shall uphold the President's decision in selecting the response action unless the objecting party can demonstrate, on the administrative record, that the decision was arbitrary and capricious or otherwise not in accordance with law.

"(3) Remedy.—If the court finds that the selection of the response action was arbitrary and capricious or otherwise not in accordance with law, the court shall award (A) only the response costs or damages that are not inconsistent with the national contingency plan, and (B) such other relief as is consistent with the National Contingency Plan.

"(4) Procedural errors.—In reviewing alleged procedural errors, the court may disallow costs or damages only if the errors were so serious and related to matters of such central relevance to the action that the action would have been significantly changed had such errors not been made.

President of U.S.

Public information.

100 STAT. 1651

"(k) Administrative Record and Participation Procedures.—

"(1) Administrative record.—The President shall establish an administrative record upon which the President shall base the selection of a response action. The administrative record shall be available to the public at or near the facility at issue. The President also may place duplicates of the administrative record at any other location.

"(2) Participation procedures.—

Regulations.

5 USC 500 *et seq.*

"(A) Removal action.—The President shall promulgate regulations in accordance with chapter 5 of title 5 of the United States Code establishing procedures for the appropriate participation of interested persons in the development of the administrative record on which the President will base the selection of removal actions and on which judicial review of removal actions will be based.

"(B) Remedial action.—The President shall provide for the participation of interested persons, including potentially responsible parties, in the development of the administrative record on which the President will base the selection of remedial actions and on which judicial review of remedial actions will be based. The procedures developed under this subparagraph shall include, at a minimum, each of the following:

"(i) Notice to potentially affected persons and the public, which shall be accompanied by a brief analysis of the plan and alternative plans that were considered.

"(ii) A reasonable opportunity to comment and provide information regarding the plan.

"(iii) An opportunity for a public meeting in the affected area, in accordance with section 117(a)(2) (relating to public participation).

"(iv) A response to each of the significant comments, criticisms, and new data submitted in written or oral presentations.

"(v) A statement of the basis and purpose of the selected action.

For purposes of this subparagraph, the administrative record shall include all items developed and received under this subparagraph and all items described in the second sentence of section 117(d). The President shall promulgate regulations in accordance with chapter 5 of title 5 of the United States Code to carry out the requirements of this subparagraph.

Regulations.

5 USC 500 *et seq.*

"(C) Interim record.—Until such regulations under subparagraphs (A) and (B) are promulgated, the administrative record shall consist of all items developed and received pursuant to current procedures for selection of the response action, including procedures for the participation of interested parties and the public. The development of an administrative record and the selection of response action under this Act shall not include an adjudicatory hearing.

"(D) POTENTIALLY RESPONSIBLE PARTIES.—The President shall make reasonable efforts to identify and notify potentially responsible parties as early as possible before selection of a response action. Nothing in this paragraph shall be construed to be a defense to liability.

"(l) NOTICE OF ACTIONS.—Whenever any action is brought under 100 STAT. 1652 this Act in a court of the United States by a plaintiff other than the United States, the plaintiff shall provide a copy of the complaint to the Attorney General of the United States and to the Administrator of the Environmental Protection Agency.".

SEC. 114. RELATIONSHIP TO OTHER LAW.

42 USC 9614.

(a) USED OIL.—Section 114(c) of CERCLA is amended to read as follows:

"(c) RECYCLED OIL.—

"(1) SERVICE STATION DEALERS, ETC.—No person (including the United States or any State) may recover, under the authority of subsection (a)(3) or (a)(4) of section 107, from a service station dealer for any response costs or damages resulting from a release or threatened release of recycled oil, or use the authority of section 106 against a service station dealer other than a person described in subsection (a)(1) or (a)(2) of section 107, if such recycled oil—

"(A) is not mixed with any other hazardous substance, and

42 USC 6935.

"(B) is stored, treated, transported, or otherwise managed in compliance with regulations or standards promulgated pursuant to section 3014 of the Solid Waste Disposal Act and other applicable authorities.

Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release or threatened release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action.

"(2) PRESUMPTION.—Solely for the purposes of this subsection, a service station dealer may presume that a small quantity of used oil is not mixed with other hazardous substances if it—

"(A) has been removed from the engine of a light duty motor vehicle or household appliances by the owner of such vehicle or appliances, and

"(B) is presented, by such owner, to the dealer for collection, accumulation, and delivery to an oil recycling facility.

42 USC 6903.

"(3) DEFINITION.—For purposes of this subsection, the terms 'used oil' and 'recycled oil' have the same meanings as set forth in sections 1004(36) and 1004(37) of the Solid Waste Disposal Act and regulations promulgated pursuant to that Act.

Regulations.

42 USC 6921, 6991.

"(4) EFFECTIVE DATE.—The effective date of paragraphs (1) and (2) of this subsection shall be the effective date of regulations or standards promulgated under section 3014 of the Solid Waste Disposal Act that include, among other provisions, a requirement to conduct corrective action to respond to any releases of recycled oil under subtitle C or subtitle I of such Act.".

42 USC 9601.

(b) DEFINITION OF SERVICE STATION DEALER.—Section 101 of CERCLA is amended by inserting the following at the end thereof:

"(37)(A) The term 'service station dealer' means any person—

"(i) who owns or operates a motor vehicle service station, filling station, garage, or similar retail establishment engaged in the business of selling, repairing, or servicing motor vehicles, where a significant percentage of the gross revenue of the establishment is derived from the fueling, repairing, or servicing of motor vehicles, and

"(ii) who accepts for collection, accumulation, and delivery to an oil recycling facility, recycled oil that (I) has been removed from the engine of a light duty motor vehicle or household appliances by the owner of such vehicle or appliances, and (II) is presented, by such owner, to such person for collection, accumulation, and delivery to an oil recycling facility.

"(B) For purposes of section 114(c), the term 'service station dealer' shall, notwithstanding the provisions of subparagraph (A), include any government agency that establishes a facility solely for the purpose of accepting recycled oil that satisfies the criteria set forth in subclauses (I) and (II) of subparagraph (A)(ii), and, with respect to recycled oil that satisfies the criteria set forth in subclauses (I) and (II), owners or operators of refuse collection services who are compelled by State law to collect, accumulate, and deliver such oil to an oil recycling facility.

President of U.S. Regulations.

"(C) The President shall promulgate regulations regarding the determination of what constitutes a significant percentage of the gross revenues of an establishment for purposes of this paragraph.".

SEC. 115. DELEGATION; REGULATIONS.

Section 115 of CERCLA is not amended.

SEC. 116. SCHEDULES.

Title I of CERCLA is amended by adding the following new section after section 115:

President of U.S. 42 USC 9616.

"SEC. 116. SCHEDULES.

"(a) ASSESSMENT AND LISTING OF FACILITIES.—It shall be a goal of this Act that, to the maximum extent practicable—

"(1) not later than January 1, 1988, the President shall complete preliminary assessments of all facilities that are contained (as of the date of enactment of the Superfund Amendments and Reauthorization Act of 1986) on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) including in each assessment a statement as to whether a site inspection is necessary and by whom it should be carried out; and

"(2) not later than January 1, 1989, the President shall assure the completion of site inspections at all facilities for which the President has stated a site inspection is necessary pursuant to paragraph (1).

"(b) EVALUATION.—Within 4 years after enactment of the Superfund Amendments and Reauthorization Act of 1986, each facility listed (as of the date of such enactment) in the CERCLIS shall be evaluated if the President determines that such evaluation is warranted on the basis of a site inspection or preliminary assessment. The evaluation shall be in accordance with the criteria established in section 105 under the National Contingency Plan for determining priorities among release for inclusion on the National Priorities List. In the case of a facility listed in the CERCLIS after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the facility shall be evaluated within 4 years after the date of such listing if the President determines that such evaluation is warranted on the basis of a site inspection or preliminary assessment.

Public information.

"(c) EXPLANATIONS.—If any of the goals established by subsection (a) or (b) are not achieved, the President shall publish an explanation of why such action could not be completed by the specified date.

"(d) COMMENCEMENT OF RI/FS.—The President shall assure that remedial investigations and feasibility studies (RI/FS) are commenced for facilities listed on the National Priorities List, in addition to those commenced prior to the date of enactment of the Superfund Amendments and Reauthorization Act of 1986, in accordance with the following schedule:

"(1) not fewer than 275 by the date 36 months after the date of enactment of the Superfund Amendments and Reauthorization Act of 1986, and

"(2) if the requirement of paragraph (1) is not met, not fewer than an additional 175 by the date 4 years after such date of enactment, an additional 200 by the date 5 years after such date of enactment, and a total of 650 by the date 5 years after such date of enactment.

"(e) COMMENCEMENT OF REMEDIAL ACTION.—The President shall assure that substantial and continuous physical on-site remedial action commences at facilities on the National Priorities List, in addition to those facilities on which remedial action has commenced prior to the date of enactment of the Superfund Amendments and Reauthorization Act of 1986, at a rate not fewer than:

"(1) 175 facilities during the first 36-month period after enactment of this subsection; and

"(2) 200 additional facilities during the following 24 months after such 36-month period.".

SEC. 117. PUBLIC PARTICIPATION.

Title I of CERCLA is amended by adding the following new section after section 116:

President of U.S.
State and local governments.
42 USC 9617.

"SEC. 117. PUBLIC PARTICIPATION.

"(a) PROPOSED PLAN.—Before adoption of any plan for remedial action to be undertaken by the President, by a State, or by any other person, under section 104, 106, 120, or 122, the President or State, as appropriate, shall take both of the following actions:

"(1) Publish a notice and brief analysis of the proposed plan and make such plan available to the public.

"(2) Provide a reasonable opportunity for submission of written and oral comments and an opportunity for a public meeting at or near the facility at issue regarding the proposed plan and regarding any proposed findings under section 121(d)(4) (relating to cleanup standards). The President or the State shall keep a transcript of the meeting and make such transcript available to the public.

The notice and analysis published under paragraph (1) shall include sufficient information as may be necessary to provide a reasonable explanation of the proposed plan and alternative proposals considered.

"(b) FINAL PLAN.—Notice of the final remedial action plan adopted shall be published and the plan shall be made available to the public before commencement of any remedial action. Such final plan shall be accompanied by a discussion of any significant changes (and the reasons for such changes) in the proposed plan and a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations under subsection (a).

100 STAT. 1655

"(c) EXPLANATION OF DIFFERENCES.—After adoption of a final remedial action plan—

"(1) if any remedial action is taken,

"(2) if any enforcement action under section 106 is taken, or

"(3) if any settlement or consent decree under section 106 or section 122 is entered into,

and if such action, settlement, or decree differs in any significant respects from the final plan, the President or the State shall publish an explanation of the significant differences and the reasons such changes were made.

"(d) PUBLICATION.—For the purposes of this section, publication shall include, at a minimum, publication in a major local newspaper of general circulation. In addition, each item developed, received, published, or made available to the public under this section shall be available for public inspection and copying at or near the facility at issue.

"(e) GRANTS FOR TECHNICAL ASSISTANCE.—

President of U.S.

"(1) AUTHORITY.—Subject to such amounts as are provided in appropriations Acts and in accordance with rules promulgated by the President, the President may make grants available to any group of individuals which may be affected by a release or threatened release at any facility which is listed on the National Priorities List under the National Contingency Plan. Such grants may be used to obtain technical assistance in interpreting information with regard to the nature of the hazard, remedial investigation and feasibility study, record of decision, remedial design, selection and construction of remedial action, operation and maintenance, or removal action at such facility.

"(2) AMOUNT.—The amount of any grant under this subsection may not exceed $50,000 for a single grant recipient. The President may waive the $50,000 limitation in any case where such waiver is necessary to carry out the purposes of this subsection. Each grant recipient shall be required, as a condition of the grant, to contribute at least 20 percent of the total of costs of the technical assistance for which such grant is made. The President may waive the 20 percent contribution requirement if the grant recipient demonstrates financial need and such waiver is necessary to facilitate public participation in the selection of remedial action at the facility. Not more than one grant may be made under this subsection with respect to a single facility, but the grant may be renewed to facilitate public participation at all stages of remedial action.".

SEC. 118. MISCELLANEOUS PROVISIONS.

(a) PRIORITY FOR DRINKING WATER SUPPLIES.—Title I of CERCLA is amended by adding the following new section after section 117:

"SEC. 118. HIGH PRIORITY FOR DRINKING WATER SUPPLIES.

President of U.S.
42 USC 9618.

"For purposes of taking action under section 104 or 106 and listing facilities on the National Priorities List, the President shall give a high priority to facilities where the release of hazardous substances or pollutants or contaminants has resulted in the closing of drinking water wells or has contaminated a principal drinking water supply.".

Grants.
New Jersey.

(b) REMOVAL AND TEMPORARY STORAGE OF CONTAINERS OF RADON CONTAMINATED SOIL.—Not later than 90 days after the enactment of this Act, the Administrator shall make a grant of $7,500,000 to the State of New Jersey for transportation from residential areas in the State of New Jersey and temporary storage of approximately 14,000 containers of radon contaminated soil which is the subject of a remedial action for which a remedial investigation and feasibility study has been initiated before such date. Such containers shall be transported to and temporarily stored at any site in the State of New Jersey designated by the Governor of such State. For purposes of section 111(a) of CERCLA, the grant under this subsection for transportation and storage of such containers shall be treated as payment of governmental response cost incurred pursuant to section 104 of CERCLA.

Waste disposal.

(c) UNCONSOLIDATED QUATERNARY AQUIFER.—Notwithstanding any other provision of law, no person may—

(1) locate or authorize the location of a landfill, surface impoundment, waste pile, injection well, or land treatment facility over the Unconsolidated Quaternary Aquifer, or the recharge zone or streamflow source zone of such aquifer, in the Rockaway River Basin, New Jersey (as such aquifer and zones are described in the Federal Register, January 24, 1984, pages 2946–2948); or

(2) place or authorize the placement of solid waste in a landfill, surface impoundment, waste pile, injection well, or land treatment facility over such aquifer or zone.

Law enforcement and crime.
33 USC 1319.
33 USC 1311.

This subsection may be enforced under sections 309 (a) and (b) of the Federal Water Pollution Control Act. For purposes of section 309(c) of such Act, a violation of this subsection shall be considered a violation of section 301 of such Act.

(d) Study of Shortages of Skilled Personnel.—The Comptroller General shall study the problem of shortages of skilled personnel in the Environmental Protection Agency to carry out response actions under CERCLA. In particular the Comptroller General shall study—

(1) the types of skilled personnel needed for response actions for which there are shortages in the Environmental Protection Agency,

(2) the extent of such shortages,

(3) pay differential between the public and private sectors for the skilled positions involved in response actions,

(4) the extent to which skilled personnel of Federal and State governments involved in response actions are leaving their positions for employment in the private sector,

(5) the success of programs of the Department of Defense and the Office of Personnel Management in retaining skilled personnel, and

(6) the types of training required to improve the skills of employees carrying out response actions.

Reports.

The Comptroller General shall complete the study required by this subsection and submit a report on the results thereof to Congress not later than July 1, 1987.

Waste disposal.

(e) State Requirements Not Applicable to Certain Transfers.—No State or local requirement shall apply to the transfer and disposal of any hazardous substance or pollutant or contaminant from a facility at which a release or threatened release has occurred to a facility for which a final permit under section 3005(a) of the Solid Waste Disposal Act is in effect if the following conditions apply—

42 USC 6925.
100 STAT. 1657

(1) Such permit was issued after January 1, 1983, and before November 1, 1984.

(2) The transfer and disposal is carried out pursuant to a cooperative agreement between the Administrator and the State.

California.

(3) The facility at which the release or threatened release has occurred is identified as the McColl Site in Fullerton, California.

The terms used in this section shall have the same meaning as when used in title I of CERCLA.

42 USC 9601.
Reports.

(f) Study of Lead Poisoning in Children.—(1) The Administrator of the Agency for Toxic Substances and Disease Registry shall, in consultation with the Administrator of the Environmental Protection Agency and other officials as appropriate, not later than March 1, 1987, submit to the Congress, a report on the nature and extent of lead poisoning in children from environmental sources. Such report shall include, at a minimum, the following information—

(A) an estimate of the total number of children, arrayed according to Standard Metropolitan Statistical Area or other appropriate geographic unit, exposed to environmental sources of lead at concentrations sufficient to cause adverse health effects;

(B) an estimate of the total number of children exposed to environmental sources of lead arrayed according to source or source types;

(C) a statement of the long term consequences for public health of unabated exposures to environmental sources of lead and including but not limited to, diminution in intelligence, increases in morbidity and mortality; and

(D) methods and alternatives available for reducing exposures of children to environmental sources of lead.

(2) Such report shall also score and evaluate specific sites at which children are known to be exposed to environmental sources of lead due to releases, utilizing the Hazard Ranking system of the National Priorities List.

(3) The costs of preparing and submitting the report required by this section shall be borne by the Hazardous Substance Superfund established under subchapter A of chapter 98 of Internal Revenue Code of 1954. 26 USC 9501.

Montana. 42 USC 9601 note. 16 USC note prec. 791.

(g) FEDERALLY LICENSED DAM.—For purposes of CERCLA in the case of the Milltown Dam in the State of Montana licensed under part 1 of the Federal Power Act and designated as FERC license number 2543-004, if a hazardous substance, pollutant, or contaminant—

(1) has been released into the environment upstream of the dam, and

(2) has subsequently come to be located in the reservoir created by such dam

notwithstanding section 101(20) of such Act, the term "owner or operator" does not include the owner or operator of the dam unless such owner or operator is a person who would otherwise be liable for such release or threatened release under section 107 of such Act. *Ante*, p. 1615.

Missouri. Health and medical care. Safety.

(h) COMMUNITY RELOCATION AT TIMES BEACH SITE.—For purposes of any Missouri dioxon site at which a temporary or permanent relocation decision has been made, or is under active consideration, by the Administrator as of the enactment of this Act, the terms "remove" and "removal" as used in CERCLA shall be deemed to include the costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare. In the case of a business located in an area of evacuation or relocation at such facility, such terms may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and 30 days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, such terms may also include the provision of assistance identical to that authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974; except that the costs of such assistance shall be paid from the Trust Fund established under amendments made to the Internal Revenue Code of 1954 by this Act. Section 104(c)(1) of CERCLA shall not apply to obligations from the Fund for permanent relocation under this paragraph.

42 USC 5177–5179.

26 USC 1 *et seq.*

Waste disposal.

(i) LIMITED WAIVERS IN STATE OF ILLINOIS.—

(1) MOBILE INCINERATORS.—In the case of remedial actions specifically involving mobile incinerator units in the State of Illinois, if such remedial actions are undertaken by the State under the authority of a State Superfund law or equivalent authority, the State may, with the approval of the Administrator, waive any permit requirement under subtitle C of the Solid Waste Disposal Act which would be otherwise applicable to such action to the extent that the following conditions are met: 42 USC 6921.

(A) NO TRANSFER.—The incinerator does not involve the transfer of a hazardous substance or pollutant or contaminant from the facility at which the release or threatened release occurs to an offsite facility.

(B) REMEDIAL ACTION.—The remedial action provides each of the following:

(i) Changes in the character or composition of the hazardous substance or pollutant or contaminant concerned so that it no longer presents a risk to public health.

(ii) Protection against accidental emissions during operation.

(iii) Protection of public health considering the multimedia impacts of the treatment process.

(C) PUBLIC PARTICIPATION.—The State provides procedures for public participation regarding the response action which are at least equivalent to the level of public participation procedures applicable under CERCLA and under the Solid Waste Disposal Act.

42 USC 9601 note.
42 USC 6901 note.

(2) EFFECT OF WAIVER.—The waiver of any permit requirement under this subsection shall not be construed to waive any standard or level of control which—

(A) is applicable to any hazardous substance or pollutant or contaminant involved in the remedial action; and

(B) would otherwise be contained in the permit.

Such waiver of any permit requirement under subtitle C of the Solid Waste Disposal Act shall only apply to the extent that the facility or remedial action involves the onsite treatment with a mobile incineration unit of waste present at such site. The waiver shall not apply to any other regulated or potentially regulated activity, including the use of the mobile incineration unit for actions not authorized by the State.

100 STAT. 1659

(3) EXPIRATION OF AUTHORITY.—The authority of this subsection shall terminate at the end of 3 years, unless the State demonstrates, to the satisfaction of the Administrator, that the operation of mobile incinerators in the State has sufficiently protected public health and the environment and is consistent with the criteria required for a permit under subtitle C of the Solid Waste Disposal Act.

42 USC 6921.

(j) STUDY OF JOINT USE OF TRUCKS.—

(1) STUDY.—The Administrator, in consultation with the Secretary of Transportation, shall conduct a study of problems associated with the use of any vehicle for purposes other than the transportation of hazardous substances when that vehicle is used at other times for the transportation of hazardous substances. At a minimum, the Administrator shall consider—

(A) whether such joint use of vehicles should be prohibited, and

(B) whether, if such joint use is permitted, special safeguards should be taken to minimize threats to public health and the environment.

Reports.

(2) REPORT.—The Administrator shall submit a report, along with recommendations, to Congress on the results of the study conducted under paragraph (1) not later than 180 days after the date of the enactment of this Act.

(k) RADON ASSESSMENT AND MITIGATION.—

Reports.
42 USC 7401 note.

(1) NATIONAL ASSESSMENT OF RADON GAS.—No later than one year after the enactment of this Act, the Administrator shall submit to the Congress a report which shall, to the extent possible—

(A) identify the locations in the United States where radon is found in structures where people normally live or work, including educational institutions;

(B) assess the levels of radon gas that are present in such structures;

(C) determine the level of radon gas and radon daughters which poses a threat to human health and assess for each location identified under subparagraph (A) the extent of the threat to human health;

(D) determine methods of reducing or eliminating the threat to human health of radon gas and radon daughters; and

(E) include guidance and public information materials based on the findings or research of mitigating radon.

(2) RADON MITIGATION DEMONSTRATION PROGRAM.—

(A) DEMONSTRATION PROGRAM.—The Administrator shall conduct a demonstration program to test methods and technologies of reducing or eliminating radon gas and radon daughters where it poses a threat to human health. The Administrator shall take into consideration any demonstration program underway in the Reading Prong of Pennsylvania, New Jersey, and New York and at other sites prior to enactment. The demonstration program under this section shall be conducted in the Reading Prong, and at such other sites as the Administrator considers appropriate.

(B) ANNUAL REPORTS.—The Administrator shall submit annual reports not later than February 1 of each year (beginning February 1, 1987) on the status of the demonstration program carried out under this subsection and on any such demonstration program initiated prior to enactment.

100 STAT. 1660

(C) LIABILITY.—Liability, if any, for persons undertaking activities pursuant to the radon mitigation demonstration program authorized under this subsection shall be determined under principles of existing law.

(3) CONSTRUCTION OF SECTION.—Nothing in this subsection shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and related reporting, information dissemination, and coordination activities specified in this subsection. Nothing in paragraph (1) or (2) shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law.

49 USC 9660 note.

(l) GULF COAST HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—

(1) ESTABLISHMENT OF HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—The Administrator shall establish a hazardous substance research, development, and demonstration center (hereinafter in this subsection referred to as the "Center") for the purpose of conducting research to aid in more effective hazardous substance response and waste management throughout the Gulf Coast.

(2) PURPOSES OF THE CENTER.—The Center shall carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative technologies which may be utilized in response actions or in normal handling of hazardous wastes to achieve better protection of human health and the environment.

Contracts.
Grants.
Schools and colleges.
Texas.

(3) OPERATION OF CENTER.—(A) For purposes of operating the Center, the Administrator is authorized to enter into contracts and cooperative agreements with, and make grants to, a university related institute involved with the improvement of waste management. Such institute shall be located in Jefferson County, Texas.

Texas.
Louisiana.
Mississippi.
Alabama.
Florida.

(B) The Center shall be authorized to make grants, accept contributions, and enter into agreements with universities located in the States of Texas, Louisiana, Mississippi, Alabama, and Florida in order to carry out the purposes of the Center.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for purposes of carrying out this subsection for fiscal years beginning after September 30, 1986, not more than $5,000,000.

(m) RADON PROTECTION AT CURRENT NATIONAL PRIORITIES LIST SITES.—It is the sense of the Congress that the President, in selecting response action for facilities included on the National Priorities List published under section 105 of the Comprehensive

Ante, p. 1625.

Environmental Response, Compensation, and Liability Act of 1980 because of the presence of radon, is not required by statute or regulations to use fully demonstrated methods, particularly those involving the offsite transport and disposition of contaminated material, but may use innovative or alternative methods which protect human health and the environment in a more cost-effective manner.

42 USC 7401 note.

(n) SPILL CONTROL TECHNOLOGY.—

100 STAT. 1661

(1) ESTABLISHMENT OF PROGRAM.—Within 180 days of enactment of this subsection, the Secretary of the United States Department of Energy is directed to carry out a program of testing and evaluation of technologies which may be utilized in responding to liquefied gaseous and other hazardous substance spills at the Liquefied Gaseous Fuels Spill Test Facility that threaten public health or the environment.

(2) TECHNOLOGY TRANSFER.—In carrying out the program established under this subsection, the Secretary shall conduct a technology transfer program that, at a minimum—

(A) documents and archives spill control technology;

(B) investigates and analyzes significant hazardous spill incidents;

(C) develops and provides generic emergency action plans;

(D) documents and archives spill test results;

(E) develops emergency action plans to respond to spills;

(F) conducts training of spill response personnel; and

(G) establishes safety standards for personnel engaged in spill response activities.

Wyoming.

(3) CONTRACTS AND GRANTS.—The Secretary is directed to enter into contracts and grants with a nonprofit organization in Albany County, Wyoming, that is capable of providing the necessary technical support and which is involved in environmental activities related to such hazardous substance related emergencies.

(4) USE OF SITE.—The Secretary shall arrange for the use of the Liquefied Gaseous Fuels Spill Test Facility to carry out the provisions of this subsection.

42 USC 9660 note.

(o) PACIFIC NORTHWEST HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—

(1) ESTABLISHMENT.—The Administrator shall establish a hazardous substance research, development, and demonstration center (hereinafter in this subsection referred to as the "Center") for the purpose of conducting research to aid in more effective hazardous substance response in the Pacific Northwest.

(2) PURPOSES OF CENTER.—The Center shall carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative technologies which may be utilized in response actions to achieve more permanent protection of human health and welfare and the environment.

Contracts.
Grants.

(3) OPERATION OF CENTER.—

(A) NONPROFIT ENTITY.—For the purposes of operating the Center, the Administrator is authorized to enter into contracts and cooperative agreements with, and make grants to, a nonprofit private entity as defined in section 201(i) of Public Law 96-517 which entity shall agree to provide the basic technical and management personnel. Such nonprofit private entity shall also agree to provide at least two permanent research facilities, one of which shall be located in Benton County, Washington, and one of which shall be located in Clallam County, Washington.

35 USC 201.
Washington.

Washington.
Oregon.
Idaho.
Montana.

(B) AUTHORITIES.—The Center shall be authorized to make grants, accept contributions, and enter into agreements with universities located in the States of Washington, Oregon, Idaho, and Montana in order to carry out the purposes of the Center.

Contracts. Washington.

100 STAT. 1662

(4) HAZARDOUS WASTE RESEARCH AT THE HANFORD SITE.—

(A) INTERAGENCY AGREEMENTS.—The Administrator and the Secretary of Energy are authorized to enter into interagency agreements with one another for the purpose of providing for research, evaluation, testing, development, and demonstration into alternative or innovative technologies to characterize and assess the nature and extent of hazardous waste (including radioactive mixed waste) contamination at the Hanford site, in the State of Washington.

Appropriation authorization.

(B) FUNDING.—There is authorized to be appropriated to the Secretary of Energy for purposes of carrying out this paragraph for fiscal years beginning after September 30, 1986, not more than $5,000,000. All sums appropriated under this subparagraph shall be provided to the Administrator by the Secretary of Energy, pursuant to the interagency agreement entered into under subparagraph (A), for the purpose of the Administrator entering into contracts and cooperative agreements with, and making grants to, the Center in order to carry out the research, evaluation, testing, development, and demonstration described in paragraph (1).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator for purposes of carrying out this subsection (other than paragraph (4)) for fiscal years beginning after September 30, 1986, not more than $5,000,000.

Utah.

(p) SILVER CREEK TAILINGS.—Effective with the date of enactment of this Act, the facility listed in Group 7 in EPA National Priorities List Update #4 (50 Federal Register 37956, September 18, 1985), the site in Park City, Utah, which is located on tailings from noncoal mining operations, shall be deemed removed from the list of sites recommended for inclusion on the National Priorities List, unless the President determines upon site specific data not used in the proposed listing of such facility, that the facility meets requirements of the Hazard Ranking System or any revised Hazard Ranking System.

SEC. 119. RESPONSE ACTION CONTRACTORS.

Title I of CERCLA is amended by adding the following new section after section 118:

42 USC 9619.

"SEC. 119. RESPONSE ACTION CONTRACTORS.

"(a) LIABILITY OF RESPONSE ACTION CONTRACTORS.—

"(1) RESPONSE ACTION CONTRACTORS.—A person who is a response action contractor with respect to any release or threatened release of a hazardous substance or pollutant or contaminant from a vessel or facility shall not be liable under this title or under any other Federal law to any person for injuries, costs, damages, expenses, or other liability (including but not limited to claims for indemnification or contribution and claims by third parties for death, personal injury, illness or loss of or damage to property or economic loss) which results from such release or threatened release.

"(2) NEGLIGENCE, ETC.—Paragraph (1) shall not apply in the case of a release that is caused by conduct of the response action contractor which is negligent, grossly negligent, or which constitutes intentional misconduct.

100 STAT. 1663

"(3) EFFECT ON WARRANTIES; EMPLOYER LIABILITY.—Nothing in this subsection shall affect the liability of any person under any warranty under Federal, State, or common law. Nothing in this subsection shall affect the liability of an employer who is a response action contractor to any employee of such employer under any provision of law, including any provision of any law relating to worker's compensation.

"(4) GOVERNMENTAL EMPLOYEES.—A state employee or an employee of a political subdivision who provides services relating to response action while acting within the scope of his authority as a governmental employee shall have the same exemption from liability (subject to the other provisions of this section) as is provided to the response action contractor under this section.

"(b) Savings Provisions.—

42 USC 9607.

Ante, p. 1662.

"(1) Liability of other persons.—The defense provided by section 107(b)(3) shall not be available to any potentially responsible party with respect to any costs or damages caused by any act or omission of a response action contractor. Except as provided in subsection (a)(4) and the preceding sentence, nothing in this section shall affect the liability under this Act or under any other Federal or State law of any person, other than a response action contractor.

"(2) Burden of plaintiff.—Nothing in this section shall affect the plaintiff's burden of establishing liability under this title.

"(c) Indemnification.—

President of U.S.

"(1) In general.—The President may agree to hold harmless and indemnify any response action contractor meeting the requirements of this subsection against any liability (including the expenses of litigation or settlement) for negligence arising out of the contractor's performance in carrying out response action activities under this title, unless such liability was caused by conduct of the contractor which was grossly negligent or which constituted intentional misconduct.

"(2) Applicability.—This subsection shall apply only with respect to a response action carried out under written agreement with—

"(A) the President;

"(B) any Federal agency;

"(C) a State or political subdivision which has entered into a contract or cooperative agreement in accordance with section 104(d)(1) of this title; or

"(D) any potentially responsible party carrying out any agreement under section 122 (relating to settlements) or section 106 (relating to abatement).

Ante, p. 1642.

Appropriation authorization.

26 USC 9501.

"(3) Source of funding.—This subsection shall not be subject to section 1301 or 1341 of title 31 of the United States Code or section 3732 of the Revised Statutes (41 U.S.C. 11) or to section 3 of the Superfund Amendments and Reauthorization Act of 1986. For purposes of section 111, amounts expended pursuant to this subsection for indemnification of any response action contractor (except with respect to federally owned or operated facilities) shall be considered governmental response costs incurred pursuant to section 104. If sufficient funds are unavailable in the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 to make payments pursuant to such indemnification or if the Fund is repealed, there are authorized to be appropriated such amounts as may be necessary to make such payments.

100 STAT. 1664

"(4) Requirements.—An indemnification agreement may be provided under this subsection only if the President determines that each of the following requirements are met:

"(A) The liability covered by the indemnification agreement exceeds or is not covered by insurance available, at a fair and reasonable price, to the contractor at the time the contractor enters into the contract to provide response action, and adequate insurance to cover such liability is not generally available at the time the response action contract is entered into.

"(B) The response action contractor has made diligent efforts to obtain insurance coverage from non-Federal sources to cover such liability.

"(C) In the case of a response action contract covering more than one facility, the response action contractor agrees to continue to make such diligent efforts each time the contractor begins work under the contract at a new facility.

"(5) LIMITATIONS.—

"(A) LIABILITY COVERED.—Indemnification under this subsection shall apply only to response action contractor liability which results from a release of any hazardous substance or pollutant or contaminant if such release arises out of response action activities.

"(B) DEDUCTIBLES AND LIMITS.—An indemnification agreement under this subsection shall include deductibles and shall place limits on the amount of indemnification to be made available.

"(C) CONTRACTS WITH POTENTIALLY RESPONSIBLE PARTIES.—

President of U.S.

"(i) DECISION TO INDEMNIFY.—In deciding whether to enter into an indemnification agreement with a response action contractor carrying out a written contract or agreement with any potentially responsible party, the President shall determine an amount which the potentially responsible party is able to indemnify the contractor. The President may enter into such an indemnification agreement only if the President determines that such amount of indemnification is inadequate to cover any reasonable potential liability of the contractor arising out of the contractor's negligence in performing the contract or agreement with such party. The President shall make the determinations in the preceding sentences (with respect to the amount and the adequacy of the amount) taking into account the total net assets and resources of potentially responsible parties with respect to the facility at the time of such determinations.

"(ii) CONDITIONS.—The President may pay a claim under an indemnification agreement referred to in clause (i) for the amount determined under clause (i) only if the contractor has exhausted all administrative, judicial, and common law claims for indemnification against all potentially responsible parties participating in the clean-up of the facility with respect to the liability of the contractor arising out of the contractor's negligence in performing the contract or agreement with such party. Such indemnification agreement shall require such contractor to pay any deductible established under subparagraph (B) before the contractor may recover any amount from the potentially responsible party or under the indemnification agreement.

100 STAT. 1665

"(D) RCRA FACILITIES.—No owner or operator of a facility regulated under the Solid Waste Disposal Act may be indemnified under this subsection with respect to such facility.

42 USC 6901 note.

"(E) PERSONS RETAINED OR HIRED.—A person retained or hired by a person described in subsection (e)(2)(B) shall be eligible for indemnification under this subsection only if the President specifically approves of the retaining or hiring of such person.

"(6) COST RECOVERY.—For purposes of section 107, amounts expended pursuant to this subsection for indemnification of any person who is a response action contractor with respect to any release or threatened release shall be considered a cost of response incurred by the United States Government with respect to such release.

"(7) REGULATIONS.—The President shall promulgate regulations for carrying out the provisions of this subsection. Before

President of U.S.

promulgation of the regulations, the President shall develop guidelines to carry out this section. Development of such guidelines shall include reasonable opportunity for public comment.

Reports.

"(8) STUDY.—The Comptroller General shall conduct a study in the fiscal year ending September 30, 1989, on the application of this subsection, including whether indemnification agreements under this subsection are being used, the number of claims that have been filed under such agreements, and the need for this subsection. The Comptroller General shall report the findings of the study to Congress no later than September 30, 1989.

"(d) EXCEPTION.—The exemption provided under subsection (a) and the authority of the President to offer indemnification under subsection (c) shall not apply to any person covered by the provisions of paragraph (1), (2), (3), or (4) of section 107(a) with respect to the release or threatened release concerned if such person would be covered by such provisions even if such person had not carried out any actions referred to in subsection (e) of this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) RESPONSE ACTION CONTRACT.—The term 'response action contract' means any written contract or agreement entered into by a response action contractor (as defined in paragraph (2)(A) of this subsection) with—

"(A) the President;

"(B) any Federal agency;

"(C) a State or political subdivision which has entered into a contract or cooperative agreement in accordance with section 104(d)(1) of this Act; or

"(D) any potentially responsible party carrying out an agreement under section 106 or 122;

to provide any remedial action under this Act at a facility listed on the National Priorities List, or any removal under this Act, with respect to any release or threatened release of a hazardous substance or pollutant or contaminant from the facility or to provide any evaluation, planning, engineering, surveying and mapping, design, construction, equipment, or any ancillary services thereto for such facility.

100 STAT. 1666

"(2) RESPONSE ACTION CONTRACTOR.—The term 'response action contractor' means—

"(A) any—

"(i) person who enters into a response action contract with respect to any release or threatened release of a hazardous substance or pollutant or contaminant from a facility and is carrying out such contract; and

"(ii) person, public or nonprofit private entity, conducting a field demonstration pursuant to section 311(b); and

"(B) any person who is retained or hired by a person described in subparagraph (A) to provide any services relating to a response action.

"(3) INSURANCE.—The term 'insurance' means liability insurance which is fair and reasonably priced, as determined by the President, and which is made available at the time the contractor enters into the response action contract to provide response action.

"(f) COMPETITION.—Response action contractors and subcontractors for program management, construction management, architectural and engineering, surveying and mapping, and related services shall be selected in accordance with title IX of the Federal Property and Administrative Services Act of 1949. The Federal selection procedures shall apply to appropriate contracts negotiated by all Federal governmental agencies involved in carrying out this Act. Such procedures shall be followed by response action contractors and subcontractors.".

40 USC 541.

SEC. 120. FEDERAL FACILITIES.

(a) In General.—Title I of CERCLA is amended by adding the following new section after section 119:

"SEC. 120. FEDERAL FACILITIES.

42 USC 9620.

"(a) Application of Act to Federal Government.—

"(1) In general.—Each department, agency, and instrumentality of the United States (including the executive, legislative, and judicial branches of government) shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under section 107 of this Act. Nothing in this section shall be construed to affect the liability of any person or entity under sections 106 and 107.

"(2) Application of requirements to Federal facilities.—All guidelines, rules, regulations, and criteria which are applicable to preliminary assessments carried out under this Act for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priorities List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned or operated by a department, agency, or instrumentality of the United States in the same manner and to the extent as such guidelines, rules, regulations, and criteria are applicable to other facilities. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this Act.

100 STAT. 1667

"(3) Exceptions.—This subsection shall not apply to the extent otherwise provided in this section with respect to applicable time periods. This subsection shall also not apply to any requirements relating to bonding, insurance, or financial responsibility. Nothing in this Act shall be construed to require a State to comply with section 104(c)(3) in the case of a facility which is owned or operated by any department, agency, or instrumentality of the United States.

State and local governments.
Ante, p. 1619.

"(4) State laws.—State laws concerning removal and remedial action, including State laws regarding enforcement, shall apply to removal and remedial action at facilities owned or operated by a department, agency, or instrumentality of the United States when such facilities are not included on the National Priorities List. The preceding sentence shall not apply to the extent a State law would apply any standard or requirement to such facilities which is more stringent than the standards and requirements applicable to facilities which are not owned or operated by any such department, agency, or instrumentality.

"(b) Notice.—Each department, agency, and instrumentality of the United States shall add to the inventory of Federal agency hazardous waste facilities required to be submitted under section 3016 of the Solid Waste Disposal Act (in addition to the information required under section 3016(a)(3) of such Act) information on contamination from each facility owned or operated by the department, agency, or instrumentality if such contamination affects contiguous or adjacent property owned by the department, agency, or instrumentality or by any other person, including a description of the monitoring data obtained.

42 USC 6937.

"(c) Federal Agency Hazardous Waste Compliance Docket.—The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket (hereinafter in this section referred to as the 'docket') which shall contain each of the following:

"(1) All information submitted under section 3016 of the Solid Waste Disposal Act and subsection (b) of this section regarding

any Federal facility and notice of each subsequent action taken under this Act with respect to the facility.

"(2) Information submitted by each department, agency, or instrumentality of the United States under section 3005 or 3010 of such Act.

42 USC 6925, 6930.

"(3) Information submitted by the department, agency, or instrumentality under section 103 of this Act.

42 USC 9603.

Public information. Federal Register, publication.

The docket shall be available for public inspection at reasonable times. Six months after establishment of the docket and every 6 months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the docket during the immediately preceding 6-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the docket under this subsection.

100 STAT. 1668

"(d) ASSESSMENT AND EVALUATION.—Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator shall take steps to assure that a preliminary assessment is conducted for each facility on the docket. Following such preliminary assessment, the Administrator shall, where appropriate—

"(1) evaluate such facilities in accordance with the criteria established in accordance with section 105 under the National Contingency Plan for determining priorities among releases; and

"(2) include such facilities on the National Priorities List maintained under such plan if the facility meets such criteria.

Such criteria shall be applied in the same manner as the criteria are applied to facilities which are owned or operated by other persons. Evaluation and listing under this subsection shall be completed not later than 30 months after such date of enactment. Upon the receipt of a petition from the Governor of any State, the Administrator shall make such an evaluation of any facility included in the docket.

"(e) REQUIRED ACTION BY DEPARTMENT.—

"(1) RI/FS.—Not later than 6 months after the inclusion of any facility on the National Priorities List, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator and appropriate State authorities, commence a remedial investigation and feasibility study for such facility. In the case of any facility which is listed on such list before the date of the enactment of this section, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator and appropriate State authorities, commence such an investigation and study for such facility within one year after such date of enactment. The Administrator and appropriate State authorities shall publish a timetable and deadlines for expeditious completion of such investigation and study.

State and local governments.

"(2) COMMENCEMENT OF REMEDIAL ACTION; INTERAGENCY AGREEMENT.—The Administrator shall review the results of each investigation and study conducted as provided in paragraph (1). Within 180 days thereafter, the head of the department, agency, or instrumentality concerned shall enter into an interagency agreement with the Administrator for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. Substantial continuous physical onsite remedial action shall be commenced at each facility not later than 15 months after completion of the investigation and study. All such interagency agreements, including review of alternative remedial action plans and selection of remedial action, shall comply with the public participation requirements of section 117.

"(3) Completion of remedial actions.—Remedial actions at facilities subject to interagency agreements under this section shall be completed as expeditiously as practicable. Each agency shall include in its annual budget submissions to the Congress a review of alternative agency funding which could be used to provide for the costs of remedial action. The budget submission shall also include a statement of the hazard posed by the facility to human health, welfare, and the environment and identify the specific consequences of failure to begin and complete remedial action.

"(4) Contents of agreement.—Each interagency agreement under this subsection shall include, but shall not be limited to, each of the following:

"(A) A review of alternative remedial actions and selection of a remedial action by the head of the relevant department, agency, or instrumentality and the Administrator or, if unable to reach agreement on selection of a remedial action, selection by the Administrator.

"(B) A schedule for the completion of each such remedial action.

"(C) Arrangements for long-term operation and maintenance of the facility.

"(5) Annual report.—Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to, each of the following items:

"(A) A report on the progress in reaching interagency agreements under this section.

"(B) The specific cost estimates and budgetary proposals involved in each interagency agreement.

"(C) A brief summary of the public comments regarding each proposed interagency agreement.

"(D) A description of the instances in which no agreement was reached.

"(E) A report on progress in conducting investigations and studies under paragraph (1).

"(F) A report on progress in conducting remedial actions.

"(G) A report on progress in conducting remedial action at facilities which are not listed on the National Priorities List.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached. The annual report required by this paragraph shall also contain a detailed description on a State-by-State basis of the status of each facility subject to this section, including a description of the hazard presented by each facility, plans and schedules for initiating and completing response action, enforcement status (where appropriate), and an explanation of any postponements or failure to complete response action. Such reports shall also be submitted to the affected States.

State and local governments.

"(6) Settlements with other parties.—If the Administrator, in consultation with the head of the relevant department, agency, or instrumentality of the United States, determines that remedial investigations and feasibility studies or remedial action will be done properly at the Federal facility by another potentially responsible party within the deadlines provided in paragraphs (1), (2), and (3) of this subsection, the Administrator may enter into an agreement with such party under section 122 (relating to settlements). Following approval by the Attorney General of any such agreement relating to a remedial action, the agreement shall be entered in the appropriate United States district court as a consent decree under section 106 of this Act.

42 USC 9606.

100 STAT. 1670

"(f) STATE AND LOCAL PARTICIPATION.—The Administrator and each department, agency, or instrumentality responsible for compliance with this section shall afford to relevant State and local officials the opportunity to participate in the planning and selection of the remedial action, including but not limited to the review of all applicable data as it becomes available and the development of studies, reports, and action plans. In the case of State officials, the opportunity to participate shall be provided in accordance with section 121.

"(g) TRANSFER OF AUTHORITIES.—Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by executive order of the President or otherwise, to any other officer or employee of the United States or to any other person.

Real property.

"(h) PROPERTY TRANSFERRED BY FEDERAL AGENCIES.—

"(1) NOTICE.—After the last day of the 6-month period beginning on the effective date of regulations under paragraph (2) of this subsection, whenever any department, agency, or instrumentality of the United States enters into any contract for the sale or other transfer of real property which is owned by the United States and on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, the head of such department, agency, or instrumentality shall include in such contract notice of the type and quantity of such hazardous substance and notice of the time at which such storage, release, or disposal took place, to the extent such information is available on the basis of a complete search of agency files.

"(2) FORM OF NOTICE; REGULATIONS.—Notice under this subsection shall be provided in such form and manner as may be provided in regulations promulgated by the Administrator. As promptly as practicable after the enactment of this subsection but not later than 18 months after the date of such enactment, and after consultation with the Administrator of the General Services Administration, the Administrator shall promulgate regulations regarding the notice required to be provided under this subsection.

"(3) CONTENTS OF CERTAIN DEEDS.—After the last day of the 6-month period beginning on the effective date of regulations under paragraph (2) of this subsection, in the case of any real property owned by the United States on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, each deed entered into for the transfer of such property by the United States to any other person or entity shall contain—

"(A) to the extent such information is available on the basis of a complete search of agency files—

"(i) a notice of the type and quantity of such hazardous substances,

"(ii) notice of the time at which such storage, release, or disposal took place, and

"(iii) a description of the remedial action taken, if any, and

"(B) a covenant warranting that—

100 STAT. 1671

"(i) all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of such transfer, and

"(ii) any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States.

The requirements of subparagraph (B) shall not apply in any case in which the person or entity to whom the property is transferred is a potentially responsible party with respect to such real property.

"(i) Obligations Under Solid Waste Disposal Act.—Nothing in this section shall affect or impair the obligation of any department, agency, or instrumentality of the United States to comply with any requirement of the Solid Waste Disposal Act (including corrective action requirements).

42 USC 6901 note.

"(j) National Security.—

"(1) Site specific presidential orders.—The President may issue such orders regarding response actions at any specified site or facility of the Department of Energy or the Department of Defense as may be necessary to protect the national security interests of the United States at that site or facility. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this title or under title III of the Superfund Amendments and Reauthorization Act of 1986 with respect to the site or facility concerned. The President shall notify the Congress within 30 days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph for the site or facility concerned. Each such additional exemption shall be for a specified period which may not exceed one year. It is the intention of the Congress that whenever an exemption is issued under this paragraph the response action shall proceed as expeditiously as practicable. The Congress shall be notified periodically of the progress of any response action with respect to which an exemption has been issued under this paragraph. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

President of U.S.

"(2) Classified information.—Notwithstanding any other provision of law, all requirements of the Atomic Energy Act and all Executive orders concerning the handling of restricted data and national security information, including 'need to know' requirements, shall be applicable to any grant of access to classified information under the provisions of this Act or under title III of the Superfund Amendments and Reauthorization Act of 1986.".

42 USC 2011 note.

(b) Limited Grandfather.—Section 120 of CERCLA shall not apply to any response action or remedial action for which a plan is under development by the Department of Energy on the date of enactment of this Act with respect to facilities—

42 USC 9620 note.

(1) owned or operated by the United States and subject to the jurisdiction of such Department;

100 STAT. 1672

(2) located in St. Charles and St. Louis counties, Missouri, or the city of St. Louis, Missouri, and

Missouri.

(3) published in the National Priorities List.

In preparing such plans, the Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency.

SEC. 121. CLEANUP STANDARDS.

(a) Amendment of CERCLA.—Title I of CERCLA is amended by adding the following new section after section 120:

"SEC. 121. CLEANUP STANDARDS.

President of U.S.
42 USC 9621.

"(a) Selection of Remedial Action.—The President shall select appropriate remedial actions determined to be necessary to be carried out under section 104 or secured under section 106 which are in accordance with this section and, to the extent practicable, the national contingency plan, and which provide for cost-effective response. In evaluating the cost effectiveness of proposed alternative

42 USC 9604, 9606.

remedial actions, the President shall take into account the total short- and long-term costs of such actions, including the costs of operation and maintenance for the entire period during which such activities will be required.

"(b) GENERAL RULES.—(1) Remedial actions in which treatment which permanently and significantly reduces the volume, toxicity or mobility of the hazardous substances, pollutants, and contaminants is a principal element, are to be preferred over remedial actions not involving such treatment. The offsite transport and disposal of hazardous substances or contaminated materials without such treatment should be the least favored alternative remedial action where practicable treatment technologies are available. The President shall conduct an assessment of permanent solutions and alternative treatment technologies or resource recovery technologies that, in whole or in part, will result in a permanent and significant decrease in the toxicity, mobility, or volume of the hazardous substance, pollutant, or contaminant. In making such assessment, the President shall specifically address the long-term effectiveness of various alternatives. In assessing alternative remedial actions, the President shall, at a minimum, take into account:

"(A) the long-term uncertainties associated with land disposal;

"(B) the goals, objectives, and requirements of the Solid Waste Disposal Act;

"(C) the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous substances and their constituents;

"(D) short- and long-term potential for adverse health effects from human exposure;

"(E) long-term maintenance costs;

"(F) the potential for future remedial action costs if the alternative remedial action in question were to fail; and

"(G) the potential threat to human health and the environment associated with excavation, transportation, and redisposal, or containment.

The President shall select a remedial action that is protective of human health and the environment, that is cost effective, and that utilizes permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. If the President selects a remedial action not appropriate for a preference under this subsection, the President shall publish an explanation as to why a remedial action involving such reductions was not selected.

100 STAT. 1673

"(2) The President may select an alternative remedial action meeting the objectives of this subsection whether or not such action has been achieved in practice at any other facility or site that has similar characteristics. In making such a selection, the President may take into account the degree of support for such remedial action by parties interested in such site.

"(c) REVIEW.—If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each 5 years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such site in accordance with section 104 or 106, the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.

42 USC 9604, 9606.
Reports.

State and local governments.

"(d) DEGREE OF CLEANUP.—(1) Remedial actions selected under this section or otherwise required or agreed to by the President under this Act shall attain a degree of cleanup of hazardous substances, pollutants, and contaminants released into the environment and of control of further release at a minimum which assures protection of human health and the environment. Such remedial actions shall be relevant and appropriate under the circumstances presented by the release or threatened release of such substance, pollutant, or contaminant.

"(2)(A) With respect to any hazardous substance, pollutant or contaminant that will remain onsite, if—

"(i) any standard, requirement, criteria, or limitation under any Federal environmental law, including, but not limited to, the Toxic Substances Control Act, the Safe Drinking Water Act, the Clean Air Act, the Clean Water Act, the Marine Protection, Research and Sanctuaries Act, or the Solid Waste Disposal Act; or

15 USC 2601 note, 42 USC 201 note.
42 USC 7401 note, 33 USC 1251 note.
33 USC 1401 note, 42 USC 6901 note.

"(ii) any promulgated standard, requirement, criteria, or limitation under a State environmental or facility siting law that is more stringent than any Federal standard, requirement, criteria, or limitation, including each such State standard, requirement, criteria, or limitation contained in a program approved, authorized or delegated by the Administrator under a statute cited in subparagraph (A), and that has been identified to the President by the State in a timely manner,

is legally applicable to the hazardous substance or pollutant or contaminant concerned or is relevant and appropriate under the circumstances of the release or threatened release of such hazardous substance or pollutant or contaminant, the remedial action selected under section 104 or secured under section 106 shall require, at the completion of the remedial action, a level or standard of control for such hazardous substance or pollutant or contaminant which at least attains such legally applicable or relevant and appropriate standard, requirement, criteria, or limitation. Such remedial action shall require a level or standard of control which at least attains Maximum Contaminant Level Goals established under the Safe Drinking Water Act and water quality criteria established under section 304 or 303 of the Clean Water Act, where such goals or criteria are relevant and appropriate under the circumstances of the release or threatened release.

42 USC 201 note.
33 USC 1314, 1313.

"(B)(i) In determining whether or not any water quality criteria under the Clean Water Act is relevant and appropriate under the circumstances of the release or threatened release, the President shall consider the designated or potential use of the surface or groundwater, the environmental media affected, the purposes for which such criteria were developed, and the latest information available.

33 USC 1251 note.

"(ii) For the purposes of this section, a process for establishing alternate concentration limits to those otherwise applicable for hazardous constituents in groundwater under subparagraph (A) may not be used to establish applicable standards under this paragraph if the process assumes a point of human exposure beyond the boundary of the facility, as defined at the conclusion of the remedial investigation and feasibility study, except where—

"(I) there are known and projected points of entry of such groundwater into surface water; and

"(II) on the basis of measurements or projections, there is or will be no statistically significant increase of such constituents from such groundwater in such surface water at the point of entry or at any point where there is reason to believe accumulation of constituents may occur downstream; and

"(III) the remedial action includes enforceable measures that will preclude human exposure to the contaminated groundwater at any point between the facility boundary and all known and projected points of entry of such groundwater into surface water

then the assumed point of human exposure may be at such known and projected points of entry.

"(C)(i) Clause (ii) of this subparagraph shall be applicable only in cases where, due to the President's selection, in compliance with subsection (b)(1), of a proposed remedial action which does not permanently and significantly reduce the volume, toxicity, or mobility of hazardous substances, pollutants, or contaminants, the proposed disposition of waste generated by or associated with the remedial action selected by the President is land disposal in a State referred to in clause (ii).

"(ii) Except as provided in clauses (iii) and (iv), a State standard, requirement, criteria, or limitation (including any State siting standard or requirement) which could effectively result in the statewide prohibition of land disposal of hazardous substances, pollutants, or contaminants shall not apply.

"(iii) Any State standard, requirement, criteria, or limitation referred to in clause (ii) shall apply where each of the following conditions is met:

"(I) The State standard, requirement, criteria, or limitation is of general applicability and was adopted by formal means.

"(II) The State standard, requirement, criteria, or limitation was adopted on the basis of hydrologic, geologic, or other relevant considerations and was not adopted for the purpose of precluding onsite remedial actions or other land disposal for reasons unrelated to protection of human health and the environment.

100 STAT. 1675

"(III) The State arranges for, and assures payment of the incremental costs of utilizing, a facility for disposition of the hazardous substances, pollutants, or contaminants concerned.

"(iv) Where the remedial action selected by the President does not conform to a State standard and the State has initiated a law suit against the Environmental Protection Agency prior to May 1, 1986, to seek to have the remedial action conform to such standard, the President shall conform the remedial action to the State standard. The State shall assure the availability of an offsite facility for such remedial action.

"(3) In the case of any removal or remedial action involving the transfer of any hazardous substance or pollutant or contaminant offsite, such hazardous substance or pollutant or contaminant shall only be transferred to a facility which is operating in compliance with section 3004 and 3005 of the Solid Waste Disposal Act (or, where applicable, in compliance with the Toxic Substances Control Act or other applicable Federal law) and all applicable State requirements. Such substance or pollutant or contaminant may be transferred to a land disposal facility only if the President determines that both of the following requirements are met:

42 USC 6924, 6925.

15 USC 2601 note.

"(A) The unit to which the hazardous substance or pollutant or contaminant is transferred is not releasing any hazardous waste, or constituent thereof, into the groundwater or surface water or soil.

"(B) All such releases from other units at the facility are being controlled by a corrective action program approved by the Administrator under subtitle C of the Solid Waste Disposal Act.

42 USC 6921.

The President shall notify the owner or operator of such facility of determinations under this paragraph.

"(4) The President may select a remedial action meeting the requirements of paragraph (1) that does not attain a level or standard of control at least equivalent to a legally applicable or relevant and appropriate standard, requirement, criteria, or limitation as required by paragraph (2) (including subparagraph (B) thereof), if the President finds that—

"(A) the remedial action selected is only part of a total remedial action that will attain such level or standard of control when completed;

"(B) compliance with such requirement at that facility will result in greater risk to human health and the environment than alternative options;

"(C) compliance with such requirements is technically impracticable from an engineering perspective;

"(D) the remedial action selected will attain a standard of performance that is equivalent to that required under the otherwise applicable standard, requirement, criteria, or limitation, through use of another method or approach;

"(E) with respect to a State standard, requirement, criteria, or limitation, the State has not consistently applied (or demonstrated the intention to consistently apply) the standard, requirement, criteria, or limitation in similar circumstances at other remedial actions within the State; or

"(F) in the case of a remedial action to be undertaken solely under section 104 using the Fund, selection of a remedial action that attains such level or standard of control will not provide a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the relative immediacy of such threats.

42 USC 9604.

The President shall publish such findings, together with an explanation and appropriate documentation.

Public information.

"(e) PERMITS AND ENFORCEMENT.—(1) No Federal, State, or local permit shall be required for the portion of any removal or remedial action conducted entirely onsite, where such remedial action is selected and carried out in compliance with this section.

"(2) A State may enforce any Federal or State standard, requirement, criteria, or limitation to which the remedial action is required to conform under this Act in the United States district court for the district in which the facility is located. Any consent decree shall require the parties to attempt expeditiously to resolve disagreements concerning implementation of the remedial action informally with the appropriate Federal and State agencies. Where the parties agree, the consent decree may provide for administrative enforcement. Each consent decree shall also contain stipulated penalties for violations of the decree in an amount not to exceed $25,000 per day, which may be enforced by either the President or the State. Such stipulated penalties shall not be construed to impair or affect the authority of the court to order compliance with the specific terms of any such decree.

State and local governments.

"(f) STATE INVOLVEMENT.—(1) The President shall promulgate regulations providing for substantial and meaningful involvement by each State in initiation, development, and selection of remedial actions to be undertaken in that State. The regulations, at a minimum, shall include each of the following:

Regulations. State and local governments.

"(A) State involvement in decisions whether to perform a preliminary assessment and site inspection.

"(B) Allocation of responsibility for hazard ranking system scoring.

"(C) State concurrence in deleting sites from the National Priorities List.

"(D) State participation in the long-term planning process for all remedial sites within the State.

"(E) A reasonable opportunity for States to review and comment on each of the following:

"(i) The remedial investigation and feasibility study and all data and technical documents leading to its issuance.

"(ii) The planned remedial action identified in the remedial investigation and feasibility study.

"(iii) The engineering design following selection of the final remedial action.

"(iv) Other technical data and reports relating to implementation of the remedy.

"(v) Any proposed finding or decision by the President to exercise the authority of subsection (d)(4).

"(F) Notice to the State of negotiations with potentially responsible parties regarding the scope of any response action at a facility in the State and an opportunity to participate in such negotiations and, subject to paragraph (2), be a party to any settlement.

"(G) Notice to the State and an opportunity to comment on the President's proposed plan for remedial action as well as on alternative plans under consideration. The President's proposed decision regarding the selection of remedial action shall be accompanied by a response to the comments submitted by the State, including an explanation regarding any decision under subsection (d)(4) on compliance with promulgated State standards. A copy of such response shall also be provided to the State.

100 STAT. 1677

"(H) Prompt notice and explanation of each proposed action to the State in which the facility is located.

Prior to the promulgation of such regulations, the President shall provide notice to the State of negotiations with potentially responsible parties regarding the scope of any response action at a facility in the State, and such State may participate in such negotiations and, subject to paragraph (2), any settlements.

"(2)(A) This paragraph shall apply to remedial actions secured under section 106. At least 30 days prior to the entering of any consent decree, if the President proposes to select a remedial action that does not attain a legally applicable or relevant and appropriate standard, requirement, criteria, or limitation, under the authority of subsection (d)(4), the President shall provide an opportunity for the State to concur or not concur in such selection. If the State concurs, the State may become a signatory to the consent decree.

42 USC 9606.

"(B) If the State does not concur in such selection, and the State desires to have the remedial action conform to such standard, requirement, criteria, or limitation, the State shall intervene in the action under section 106 before entry of the consent decree, to seek to have the remedial action so conform. Such intervention shall be a matter of right. The remedial action shall conform to such standard, requirement, criteria, or limitation if the State establishes, on the administrative record, that the finding of the President was not supported by substantial evidence. If the court determines that the remedial action shall conform to such standard, requirement, criteria, or limitation, the remedial action shall be so modified and the State may become a signatory to the decree. If the court determines that the remedial action need not conform to such standard, requirement, criteria, or limitation, and the State pays or assures the payment of the additional costs attributable to meeting such standard, requirement, criteria, or limitation, the remedial action shall be so modified and the State shall become a signatory to the decree.

"(C) The President may conclude settlement negotiations with potentially responsible parties without State concurrence.

"(3)(A) This paragraph shall apply to remedial actions at facilities owned or operated by a department, agency, or instrumentality of the United States. At least 30 days prior to the publication of the President's final remedial action plan, if the President proposes to select a remedial action that does not attain a legally applicable or relevant and appropriate standard, requirement, criteria, or limitation, under the authority of subsection (d)(4), the President shall provide an opportunity for the State to concur or not concur in such selection. If the State concurs, or does not act within 30 days, the remedial action may proceed.

"(B) If the State does not concur in such selection as provided in subparagraph (A), and desires to have the remedial action conform to such standard, requirement, criteria, or limitation, the State may maintain an action as follows:

"(i) If the President has notified the State of selection of such a remedial action, the State may bring an action within 30 days of such notification for the sole purpose of determining whether the finding of the President is supported by substantial evidence. Such action shall be brought in the United States district court for the district in which the facility is located.

"(ii) If the State establishes, on the administrative record, that the President's finding is not supported by substantial evidence, the remedial action shall be modified to conform to such standard, requirement, criteria, or limitation.

"(iii) If the State fails to establish that the President's finding was not supported by substantial evidence and if the State pays, within 60 days of judgment, the additional costs attributable to meeting such standard, requirement, criteria, or limitation, the remedial action shall be selected to meet such standard, requirement, criteria, or limitation. If the State fails to pay within 60 days, the remedial action selected by the President shall proceed through completion.

"(C) Nothing in this section precludes, and the court shall not enjoin, the Federal agency from taking any remedial action unrelated to or not inconsistent with such standard, requirement, criteria, or limitation.".

(b) EFFECTIVE DATE.—With respect to section 121 of CERCLA, as added by this section— 42 USC 9621 note.

(1) The requirements of section 121 of CERCLA shall not apply to any remedial action for which the Record of Decision (hereinafter in this section referred to as the "ROD") was signed, or the consent decree was lodged, before date of enactment.

(2) If the ROD was signed, or the consent decree lodged, within the 30-day period immediately following enactment of the Act, the Administrator shall certify in writing that the portion of the remedial action covered by the ROD or consent decree complies to the maximum extent practicable with section 121 of CERCLA.

Any ROD signed before enactment of this Act and reopened after enactment of this Act to modify or supplement the selection of remedy shall be subject to the requirements of section 121 of CERCLA.

SEC. 122. SETTLEMENTS.

(a) NEW SECTION.—Title I of CERCLA is amended by adding the following new section after section 121:

"SEC. 122. SETTLEMENTS.

President of U.S. 42 USC 9622.

"(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The President, in his discretion, may enter into an agreement with any person (including the owner or operator of the facility from which a release or substantial threat of release emanates, or any other potentially responsible person), to perform any response action (including any action described in section 104(b)) if the President determines that such action will be done properly by such person. Whenever practicable and in the public interest, as determined by the President, the President shall act to facilitate agreements under this section that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation. If the President decides not to use the procedures in this section, the President shall notify in writing potentially responsible parties at the facility of such decision and the reasons why use of the procedures is inappropriate. A decision of the President to use or not to use the procedures in this section is not subject to judicial review.

Ante, p. 1618.

"(b) AGREEMENTS WITH POTENTIALLY RESPONSIBLE PARTIES.—

"(1) MIXED FUNDING.—An agreement under this section may provide that the President will reimburse the parties to the agreement from the Fund, with interest, for certain costs of actions under the agreement that the parties have agreed to perform but which the President has agreed to finance. In any case in which the President provides such reimbursement, the President shall make all reasonable efforts to recover the amount of such reimbursement under section 107 or under other relevant authorities. 42 USC 9607.

"(2) Reviewability.—The President's decisions regarding the availability of fund financing under this subsection shall not be subject to judicial review under subsection (d).

"(3) Retention of funds.—If, as part of any agreement, the President will be carrying out any action and the parties will be paying amounts to the President, the President may, notwithstanding any other provision of law, retain and use such amounts for purposes of carrying out the agreement.

"(4) Future Obligation of fund.—In the case of a completed remedial action pursuant to an agreement described in paragraph (1), the Fund shall be subject to an obligation for subsequent remedial actions at the same facility but only to the extent that such subsequent actions are necessary by reason of the failure of the original remedial action. Such obligation shall be in a proportion equal to, but not exceeding, the proportion contributed by the Fund for the original remedial action. The Fund's obligation for such future remedial action may be met through Fund expenditures or through payment, following settlement or enforcement action, by parties who were not signatories to the original agreement.

"(c) Effect of Agreement.—

"(1) Liability.—Whenever the President has entered into an agreement under this section, the liability to the United States under this Act of each party to the agreement, including any future liability to the United States, arising from the release or threatened release that is the subject of the agreement shall be limited as provided in the agreement pursuant to a covenant not to sue in accordance with subsection (f). A covenant not to sue may provide that future liability to the United States of a settling potentially responsible party under the agreement may be limited to the same proportion as that established in the original settlement agreement. Nothing in this section shall limit or otherwise affect the authority of any court to review in the consent decree process under subsection (d) any covenant not to sue contained in an agreement under this section. In determining the extent to which the liability of parties to an agreement shall be limited pursuant to a covenant not to sue, the President shall be guided by the principle that a more complete covenant not to sue shall be provided for a more permanent remedy undertaken by such parties.

"(2) Actions against other persons.—If an agreement has been entered into under this section, the President may take any action under section 106 against any person who is not a party to the agreement, once the period for submitting a proposal under subsection (e)(2)(B) has expired. Nothing in this section shall be construed to affect either of the following: 42 USC 9606.

42 USC 9606, 9607.

"(A) The liability of any person under section 106 or 107 with respect to any costs or damages which are not included in the agreement.

"(B) The authority of the President to maintain an action under this Act against any person who is not a party to the agreement.

"(d) Enforcement.—

"(1) Cleanup agreements.—

"(A) Consent decree.—Whenever the President enters into an agreement under this section with any potentially responsible party with respect to remedial action under section 106, following approval of the agreement by the Attorney General, except as otherwise provided in the case of certain administrative settlements referred to in subsection (g), the agreement shall be entered in the appropriate

United States district court as a consent decree. The President need not make any finding regarding an imminent and substantial endangerment to the public health or the environment in connection with any such agreement or consent decree.

"(B) EFFECT.—The entry of any consent decree under this subsection shall not be construed to be an acknowledgment by the parties that the release or threatened release concerned constitutes an imminent and substantial endangerment to the public health or welfare or the environment. Except as otherwise provided in the Federal Rules of Evidence, the participation by any party in the process under this section shall not be considered an admission of liability for any purpose, and the fact of such participation shall not be admissible in any judicial or administrative proceeding, including a subsequent proceeding under this section.

"(C) STRUCTURE.—The President may fashion a consent decree so that the entering of such decree and compliance with such decree or with any determination or agreement made pursuant to this section shall not be considered an admission of liability for any purpose.

"(2) PUBLIC PARTICIPATION.—

"(A) FILING OF PROPOSED JUDGMENT.—At least 30 days before a final judgment is entered under paragraph (1), the proposed judgment shall be filed with the court.

"(B) OPPORTUNITY FOR COMMENT.—The Attorney General shall provide an opportunity to persons who are not named as parties to the action to comment on the proposed judgment before its entry by the court as a final judgment. The Attorney General shall consider, and file with the court, any written comments, views, or allegations relating to the proposed judgment. The Attorney General may withdraw or withhold its consent to the proposed judgment if the comments, views, and allegations concerning the judgment disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper, or inadequate.

"(3) 104(b) AGREEMENTS.—Whenever the President enters into an agreement under this section with any potentially responsible party with respect to action under section 104(b), the President shall issue an order or enter into a decree setting forth the obligations of such party. The United States district court for the district in which the release or threatened release occurs may enforce such order or decree.

100 STAT. 1681

Ante, p. 1617.

"(e) SPECIAL NOTICE PROCEDURES.—

"(1) NOTICE.—Whenever the President determines that a period of negotiation under this subsection would facilitate an agreement with potentially responsible parties for taking response action (including any action described in section 104(b)) and would expedite remedial action, the President shall so notify all such parties and shall provide them with information concerning each of the following:

"(A) The names and addresses of potentially responsible parties (including owners and operators and other persons referred to in section 107(a)), to the extent such information is available.

"(B) To the extent such information is available, the volume and nature of substances contributed by each potentially responsible party identified at the facility.

"(C) A ranking by volume of the substances at the facility, to the extent such information is available.

The President shall make the information referred to in this paragraph available in advance of notice under this paragraph upon the request of a potentially responsible party in accord-

Public information.

Classified information.

ance with procedures provided by the President. The provisions of subsection (e) of section 104 regarding protection of confidential information apply to information provided under this paragraph. Disclosure of information generated by the President under this section to persons other than the Congress, or any duly authorized Committee thereof, is subject to other privileges or protections provided by law, including (but not limited to) those applicable to attorney work product. Nothing contained in this paragraph or in other provisions of this Act shall be construed, interpreted, or applied to diminish the required disclosure of information under other provisions of this or other Federal or State laws.

"(2) NEGOTIATION.—

"(A) MORATORIUM.—Except as provided in this subsection, the President may not commence action under section 104(a) or take any action under section 106 for 120 days after providing notice and information under this subsection with respect to such action. Except as provided in this subsection, the President may not commence a remedial investigation and feasibility study under section 104(b) for 90 days after providing notice and information under this subsection with respect to such action. The President may commence any additional studies or investigations authorized under section 104(b), including remedial design, during the negotiation period.

42 USC 9606.

"(B) PROPOSALS.—Persons receiving notice and information under paragraph (1) of this subsection with respect to action under section 106 shall have 60 days from the date of receipt of such notice to make a proposal to the President for undertaking or financing the action under section 106. Persons receiving notice and information under paragraph (1) of this subsection with respect to action under section 104(b) shall have 60 days from the date of receipt of such notice to make a proposal to the President for undertaking or financing the action under section 104(b).

100 STAT. 1682

"(C) ADDITIONAL PARTIES.—If an additional potentially responsible party is identified during the negotiation period or after an agreement has been entered into under this subsection concerning a release or threatened release, the President may bring the additional party into the negotiation or enter into a separate agreement with such party.

"(3) PRELIMINARY ALLOCATION OF RESPONSIBILITY.—

"(A) IN GENERAL.—The President shall develop guidelines for preparing nonbinding preliminary allocations of responsibility. In developing these guidelines the President may include such factors as the President considers relevant, such as: volume, toxicity, mobility, strength of evidence, ability to pay, litigative risks, public interest considerations, precedential value, and inequities and aggravating factors. When it would expedite settlements under this section and remedial action, the President may, after completion of the remedial investigation and feasibility study, provide a nonbinding preliminary allocation of responsibility which allocates percentages of the total cost of response among potentially responsible parties at the facility.

Courts, U.S.

"(B) COLLECTION OF INFORMATION.—To collect information necessary or appropriate for performing the allocation under subparagraph (A) or for otherwise implementing this section, the President may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information that the President deems necessary. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the event of contumacy or failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.

"(C) EFFECT.—The nonbinding preliminary allocation of responsibility shall not be admissible as evidence in any proceeding, and no court shall have jurisdiction to review the nonbinding preliminary allocation of responsibility. The nonbinding preliminary allocation of responsibility shall not constitute an apportionment or other statement on the divisibility of harm or causation.

"(D) COSTS.—The costs incurred by the President in producing the nonbinding preliminary allocation of responsibility shall be reimbursed by the potentially responsible parties whose offer is accepted by the President. Where an offer under this section is not accepted, such costs shall be considered costs of response.

"(E) DECISION TO REJECT OFFER.—Where the President, in his discretion, has provided a nonbinding preliminary allocation of responsibility and the potentially responsible parties have made a substantial offer providing for response to the President which he rejects, the reasons for the rejection shall be provided in a written explanation. The President's decision to reject such an offer shall not be subject to judicial review.

100 STAT. 1683

"(4) FAILURE TO PROPOSE.—If the President determines that a good faith proposal for undertaking or financing action under section 106 has not been submitted within 60 days of the provision of notice pursuant to this subsection, the President may thereafter commence action under section 104(a) or take an action against any person under section 106 of this Act. If the President determines that a good faith proposal for undertaking or financing action under section 104(b) has not been submitted within 60 days after the provision of notice pursuant to this subsection, the President may thereafter commence action under section 104(b).

42 USC 9606.

Ante, p. 1617.

"(5) SIGNIFICANT THREATS.—Nothing in this subsection shall limit the President's authority to undertake response or enforcement action regarding a significant threat to public health or the environment within the negotiation period established by this subsection.

"(6) INCONSISTENT RESPONSE ACTION.—When either the President, or a potentially responsible party pursuant to an administrative order or consent decree under this Act, has initiated a remedial investigation and feasibility study for a particular facility under this Act, no potentially responsible party may undertake any remedial action at the facility unless such remedial action has been authorized by the President.

"(f) COVENANT NOT TO SUE.—

"(1) DISCRETIONARY COVENANTS.—The President may, in his discretion, provide any person with a covenant not to sue concerning any liability to the United States under this Act, including future liability, resulting from a release or threatened release of a hazardous substance addressed by a remedial action, whether that action is onsite or offsite, if each of the following conditions is met:

"(A) The covenant not to sue is in the public interest.

"(B) The covenant not to sue would expedite response action consistent with the National Contingency Plan under section 105 of this Act.

42 USC 9605.

"(C) The person is in full compliance with a consent decree under section 106 (including a consent decree entered into in accordance with this section) for response to the release or threatened release concerned.

"(D) The response action has been approved by the President.

"(2) SPECIAL COVENANTS NOT TO SUE.—In the case of any person to whom the President is authorized under paragraph (1) of this subsection to provide a covenant not to sue, for the portion of remedial action—

"(A) which involves the transport and secure disposition offsite of hazardous substances in a facility meeting the requirements of sections 3004 (c), (d), (e), (f), (g), (m), (o), (p), (u), and (v) and 3005(c) of the Solid Waste Disposal Act, where the President has rejected a proposed remedial action that is consistent with the National Contingency Plan that does not include such offsite disposition and has thereafter required offsite disposition; or

42 USC 6924, 6925.

"(B) which involves the treatment of hazardous substances so as to destroy, eliminate, or permanently immobilize the hazardous constituents of such substances, such that, in the judgment of the President, the substances no longer present any current or currently foreseeable future significant risk to public health, welfare or the environment, no byproduct of the treatment or destruction process presents any significant hazard to public health, welfare or the environment, and all byproducts are themselves treated, destroyed, or contained in a manner which assures that such byproducts do not present any current or currently foreseeable future significant risk to public health, welfare or the environment,

the President shall provide such person with a covenant not to sue with respect to future liability to the United States under this Act for a future release or threatened release of hazardous substances from such facility, and a person provided such covenant not to sue shall not be liable to the United States under section 106 or 107 with respect to such release or threatened release at a future time.

42 USC 9606, 9607.

"(3) REQUIREMENT THAT REMEDIAL ACTION BE COMPLETED.—A covenant not to sue concerning future liability to the United States shall not take effect until the President certifies that remedial action has been completed in accordance with the requirements of this Act at the facility that is the subject of such covenant.

"(4) FACTORS.—In assessing the appropriateness of a covenant not to sue under paragraph (1) and any condition to be included in a covenant not to sue under paragraph (1) or (2), the President shall consider whether the covenant or condition is in the public interest on the basis of such factors as the following:

"(A) The effectiveness and reliability of the remedy, in light of the other alternative remedies considered for the facility concerned.

"(B) The nature of the risks remaining at the facility.

"(C) The extent to which performance standards are included in the order or decree.

"(D) The extent to which the response action provides a complete remedy for the facility, including a reduction in the hazardous nature of the substances at the facility.

"(E) The extent to which the technology used in the response action is demonstrated to be effective.

"(F) Whether the Fund or other sources of funding would be available for any additional remedial actions that might eventually be necessary at the facility.

"(G) Whether the remedial action will be carried out, in whole or in significant part, by the responsible parties themselves.

"(5) **Satisfactory performance.**—Any covenant not to sue under this subsection shall be subject to the satisfactory performance by such party of its obligations under the agreement concerned.

"(6) **Additional condition for future liability.**—(A) Except for the portion of the remedial action which is subject to a covenant not to sue under paragraph (2) or under subsection (g) (relating to de minimis settlements), a covenant not to sue a person concerning future liability to the United States shall include an exception to the covenant that allows the President to sue such person concerning future liability resulting from the release or threatened release that is the subject of the covenant where such liability arises out of conditions which are unknown at the time the President certifies under paragraph (3) that remedial action has been completed at the facility concerned.

"(B) In extraordinary circumstances, the President may determine, after assessment of relevant factors such as those referred to in paragraph (4) and volume, toxicity, mobility, strength of evidence, ability to pay, litigative risks, public interest considerations, precedential value, and inequities and aggravating factors, not to include the exception referred to in subparagraph (A) if other terms, conditions, or requirements of the agreement containing the covenant not to sue are sufficient to provide all reasonable assurances that public health and the environment will be protected from any future releases at or from the facility.

"(C) The President is authorized to include any provisions allowing future enforcement action under section 106 or 107 that in the discretion of the President are necessary and appropriate to assure protection of public health, welfare, and the environment.

42 USC 9606, 9607.

"(g) **De Minimis Settlements.**—

"(1) **Expedited final settlement.**—Whenever practicable and in the public interest, as determined by the President, the President shall as promptly as possible reach a final settlement with a potentially responsible party in an administrative or civil action under section 106 or 107 if such settlement involves only a minor portion of the response costs at the facility concerned and, in the judgment of the President, the conditions in either of the following subparagraph (A) or (B) are met:

"(A) Both of the following are minimal in comparison to other hazardous substances at the facility:

"(i) The amount of the hazardous substances contributed by that party to the facility.

"(ii) The toxic or other hazardous effects of the substances contributed by that party to the facility.

"(B) The potentially responsible party—

"(i) is the owner of the real property on or in which the facility is located;

Real property

"(ii) did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substance at the facility; and

"(iii) did not contribute to the release or threat of release of a hazardous substance at the facility through any action or omission.

This subparagraph (B) does not apply if the potentially responsible party purchased the real property with actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substance.

Real property.

"(2) **Covenant not to sue.**—The President may provide a covenant not to sue with respect to the facility concerned to any party who has entered into a settlement under this subsection unless such a covenant would be inconsistent with the public interest as determined under subsection (f).

"(3) EXPEDITED AGREEMENT.—The President shall reach any such settlement or grant any such covenant not to sue as soon as possible after the President has available the information necessary to reach such a settlement or grant such a covenant.

"(4) CONSENT DECREE OR ADMINISTRATIVE ORDER.—A settlement under this subsection shall be entered as a consent decree or embodied in an administrative order setting forth the terms of the settlement. In the case of any facility where the total response costs exceed $500,000 (excluding interest), if the settlement is embodied as an administrative order, the order may be issued only with the prior written approval of the Attorney General. If the Attorney General or his designee has not approved or disapproved the order within 30 days of this referral, the order shall be deemed to be approved unless the Attorney General and the Administrator have agreed to extend the time. The district court for the district in which the release or threatened release occurs may enforce any such administrative order.

Claims.

"(5) EFFECT OF AGREEMENT.—A party who has resolved its liability to the United States under this subsection shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially responsible parties unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

"(6) SETTLEMENTS WITH OTHER POTENTIALLY RESPONSIBLE PARTIES.—Nothing in this subsection shall be construed to affect the authority of the President to reach settlements with other potentially responsible parties under this Act.

Claims.

"(h) COST RECOVERY SETTLEMENT AUTHORITY.—

"(1) AUTHORITY TO SETTLE.—The head of any department or agency with authority to undertake a response action under this Act pursuant to the national contingency plan may consider, compromise, and settle a claim under section 107 for costs incurred by the United States Government if the claim has not been referred to the Department of Justice for further action. In the case of any facility where the total response costs exceed $500,000 (excluding interest), any claim referred to in the preceding sentence may be compromised and settled only with the prior written approval of the Attorney General.

42 USC 9607.

Regulations.

"(2) USE OF ARBITRATION.—Arbitration in accordance with regulations promulgated under this subsection may be used as a method of settling claims of the United States where the total response costs for the facility concerned do not exceed $500,000 (excluding interest). After consultation with the Attorney General, the department or agency head may establish and publish regulations for the use of arbitration or settlement under this subsection.

"(3) RECOVERY OF CLAIMS.—If any person fails to pay a claim that has been settled under this subsection, the department or agency head shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount of such claim, plus costs, attorneys' fees, and interest from the date of the settlement. In such an action, the terms of the settlement shall not be subject to review.

"(4) CLAIMS FOR CONTRIBUTION.—A person who has resolved its liability to the United States under this subsection shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement shall not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

100 STAT. 1687

"(i) SETTLEMENT PROCEDURES.—

Federal Register, publication.

"(1) PUBLICATION IN FEDERAL REGISTER.—At least 30 days before any settlement (including any settlement arrived at through arbitration) may become final under subsection (h), or under subsection (g) in the case of a settlement embodied in an administrative order, the head of the department or agency which has jurisdiction over the proposed settlement shall publish in the Federal Register notice of the proposed settlement. The notice shall identify the facility concerned and the parties to the proposed settlement.

"(2) COMMENT PERIOD.—For a 30-day period beginning on the date of publication of notice under paragraph (1) of a proposed settlement, the head of the department or agency which has jurisdiction over the proposed settlement shall provide an opportunity for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement.

"(3) CONSIDERATION OF COMMENTS.—The head of the department or agency shall consider any comments filed under paragraph (2) in determining whether or not to consent to the proposed settlement and may withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

"(j) NATURAL RESOURCES.—

"(1) NOTIFICATION OF TRUSTEE.—Where a release or threatened release of any hazardous substance that is the subject of negotiations under this section may have resulted in damages to natural resources under the trusteeship of the United States, the President shall notify the Federal natural resource trustee of the negotiations and shall encourage the participation of such trustee in the negotiations.

"(2) COVENANT NOT TO SUE.—An agreement under this section may contain a covenant not to sue under section 107(a)(4)(C) for damages to natural resources under the trusteeship of the United States resulting from the release or threatened release of hazardous substances that is the subject of the agreement, but only if the Federal natural resource trustee has agreed in writing to such covenant. The Federal natural resource trustee may agree to such covenant if the potentially responsible party agrees to undertake appropriate actions necessary to protect and restore the natural resources damaged by such release or threatened release of hazardous substances. 42 USC 9607.

"(k) SECTION NOT APPLICABLE TO VESSELS.—The provisions of this section shall not apply to releases from a vessel.

"(l) CIVIL PENALTIES.—A potentially responsible party which is a party to an administrative order or consent decree entered pursuant to an agreement under this section or section 120 (relating to Federal facilities) or which is a party to an agreement under section 120 and which fails or refuses to comply with any term or condition of the order, decree or agreement shall be subject to a civil penalty in accordance with section 109.

100 STAT. 1688

"(m) APPLICABILITY OF GENERAL PRINCIPLES OF LAW.—In the case of consent decrees and other settlements under this section (including covenants not to sue), no provision of this Act shall be construed to preclude or otherwise affect the applicability of general principles of law regarding the setting aside or modification of consent decrees or other settlements.".

(b) CONTRIBUTION.—Section 308 of CERCLA is amended by adding the following at the end thereof: "If an administrative settlement under section 122 has the effect of limiting any person's right to obtain contribution from any party to such settlement, and if the effect of such limitation would constitute a taking without just compensation in violation of the fifth amendment of the Constitution of the United States, such person shall not be entitled, under other laws of the United States, to recover compensation from the United States for such taking, but in any such case, such limitation on the right to obtain contribution shall be treated as having no force and effect.". 42 USC 9657.

42 USC 9623.

SEC. 123. REIMBURSEMENT TO LOCAL GOVERNMENTS.

(a) Title I of CERCLA is amended by adding the following after section 122:

"SEC. 123. REIMBURSEMENT TO LOCAL GOVERNMENTS.

"(a) APPLICATION.—Any general purpose unit of local government for a political subdivision which is affected by a release or threatened release at any facility may apply to the President for reimbursement under this section.

"(b) REIMBURSEMENT.—

President of U.S.

"(1) TEMPORARY EMERGENCY MEASURES.—The President is authorized to reimburse local community authorities for expenses incurred (before or after the enactment of the Superfund Amendments and Reauthorization Act of 1986) in carrying out temporary emergency measures necessary to prevent or mitigate injury to human health or the environment associated with the release or threatened release of any hazardous substance or pollutant or contaminant. Such measures may include, where appropriate, security fencing to limit access, response to fires and explosions, and other measures which require immediate response at the local level.

"(2) LOCAL FUNDS NOT SUPPLANTED.—Reimbursement under this section shall not supplant local funds normally provided for response.

"(c) AMOUNT.—The amount of any reimbursement to any local authority under subsection (b)(1) may not exceed $25,000 for a single response. The reimbursement under this section with respect to a single facility shall be limited to the units of local government having jurisdiction over the political subdivision in which the facility is located.

"(d) PROCEDURE.—Reimbursements authorized pursuant to this section shall be in accordance with rules promulgated by the Administrator within one year after the enactment of the Superfund Amendments and Reauthorization Act of 1986.".

SEC. 124. METHANE RECOVERY.

(a) IN GENERAL.—Title I of CERCLA is amended by adding the following new section after section 123:

100 STAT. 1689

Waste disposal.
42 USC 9624.

"SEC. 124. METHANE RECOVERY.

"(a) IN GENERAL.—In the case of a facility at which equipment for the recovery or processing (including recirculation of condensate) of methane has been installed, for purposes of this Act:

"(1) The owner or operator of such equipment shall not be considered an 'owner or operator', as defined in section 101(20), with respect to such facility.

"(2) The owner or operator of such equipment shall not be considered to have arranged for disposal or treatment of any hazardous substance at such facility pursuant to section 107 of this Act.

42 USC 9607.

"(3) The owner or operator of such equipment shall not be subject to any action under section 106 with respect to such facility.

42 USC 9606.

"(b) EXCEPTIONS.—Subsection (a) does not apply with respect to a release or threatened release of a hazardous substance from a facility described in subsection (a) if either of the following circumstances exist:

"(1) The release or threatened release was primarily caused by activities of the owner or operator of the equipment described in subsection (a).

"(2) The owner or operator of such equipment would be covered by paragraph (1), (2), (3), or (4) of subsection (a) of section 107 with respect to such release or threatened release if he were not the owner or operator of such equipment.

In the case of any release or threatened release referred to in paragraph (1), the owner or operator of the equipment described in subsection (a) shall be liable under this Act only for costs or damages primarily caused by the activities of such owner or operator.".

(b) REGULATION UNDER THE SOLID WASTE DISPOSAL ACT.—Unless the Administrator of the Environmental Protection Agency promulgates regulations under subtitle C of the Solid Waste Disposal Act addressing the extraction of wastes from landfills as part of the process of recovering methane from such landfills, the owner and operator of equipment used to recover methane from a landfill shall not be deemed to be managing, generating, transporting, treating, storing, or disposing of hazardous or liquid wastes within the meaning of that subtitle. If the aqueous or hydrocarbon phase of the condensate or any other waste material removed from the gas recovered from the landfill meets any of the characteristics identified under section 3001 of subtitle C of the Solid Waste Disposal Act, the preceding sentence shall not apply and such condensate phase or other waste material shall be deemed a hazardous waste under that subtitle, and shall be regulated accordingly.

42 USC 6921 note.

42 USC 6921.

42 USC 6921.

SEC. 125. CERTAIN SPECIAL STUDY WASTES.

Title I of CERCLA is amended by adding the following new section after section 124:

"SEC. 125. SECTION 3001(b)(3)(A)(i) WASTE.

President of U.S.
42 USC 9625.

"(a) REVISION OF HAZARD RANKING SYSTEM.—This section shall apply only to facilities which are not included or proposed for inclusion on the National Priorities List and which contain substantial volumes of waste described in section 3001(b)(3)(A)(i) of the Solid Waste Disposal Act. As expeditiously as practicable, the President shall revise the hazard ranking system in effect under the National Contingency Plan with respect to such facilities in a manner which assures appropriate consideration of each of the following site-specific characteristics of such facilities:

100 STAT. 1690

"(1) The quantity, toxicity, and concentrations of hazardous constituents which are present in such waste and a comparison thereof with other wastes.

"(2) The extent of, and potential for, release of such hazardous constituents into the environment.

"(3) The degree of risk to human health and the environment posed by such constituents.

"(b) INCLUSION PROHIBITED.—Until the hazard ranking system is revised as required by this section, the President may not include on the National Priorities List any facility which contains substantial volumes of waste described in section 3001(b)(3)(A)(i) of the Solid Waste Disposal Act on the basis of an evaluation made principally on the volume of such waste and not on the concentrations of the hazardous constituents of such waste. Nothing in this section shall be construed to affect the President's authority to include any such facility on the National Priorities List based on the presence of other substances at such facility or to exercise any other authority of this Act with respect to such other substances.".

42 USC 6921.

SEC. 126. WORKER PROTECTION STANDARDS.

(a) PROMULGATION.—Within one year after the date of the enactment of this section, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate standards for the health and safety protection of employees engaged in hazardous waste operations.

29 USC 655 note.

29 USC 655.

(b) PROPOSED STANDARDS.—The Secretary of Labor shall issue proposed regulations on such standards which shall include, but need not be limited to, the following worker protection provisions:

Regulations.

(1) SITE ANALYSIS.—Requirements for a formal hazard analysis of the site and development of a site specific plan for worker protection.

(2) TRAINING.—Requirements for contractors to provide initial and routine training of workers before such workers are permitted to engage in hazardous waste operations which would expose them to toxic substances.

(3) MEDICAL SURVEILLANCE.—A program of regular medical examination, monitoring, and surveillance of workers engaged in hazardous waste operations which would expose them to toxic substances.

(4) PROTECTIVE EQUIPMENT.—Requirements for appropriate personal protective equipment, clothing, and respirators for work in hazardous waste operations.

(5) ENGINEERING CONTROLS.—Requirements for engineering controls concerning the use of equipment and exposure of workers engaged in hazardous waste operations.

(6) MAXIMUM EXPOSURE LIMITS.—Requirements for maximum exposure limitations for workers engaged in hazardous waste operations, including necessary monitoring and assessment procedures.

(7) INFORMATIONAL PROGRAM.—A program to inform workers engaged in hazardous waste operations of the nature and degree of toxic exposure likely as a result of such hazardous waste operations.

(8) HANDLING.—Requirements for the handling, transporting, labeling, and disposing of hazardous wastes.

(9) NEW TECHNOLOGY PROGRAM.—A program for the introduction of new equipment or technologies that will maintain worker protections.

(10) DECONTAMINATION PROCEDURES.—Procedures for decontamination.

(11) EMERGENCY RESPONSE.—Requirements for emergency response and protection of workers engaged in hazardous waste operations.

Effective date.

(c) FINAL REGULATIONS.—Final regulations under subsection (a) shall take effect one year after the date they are promulgated. In promulgating final regulations on standards under subsection (a), the Secretary of Labor shall include each of the provisions listed in paragraphs (1) through (11) of subsection (b) unless the Secretary determines that the evidence in the public record considered as a whole does not support inclusion of any such provision.

(d) SPECIFIC TRAINING STANDARDS.—

(1) OFFSITE INSTRUCTION; FIELD EXPERIENCE.—Standards promulgated under subsection (a) shall include training standards requiring that general site workers (such as equipment operators, general laborers, and other supervised personnel) engaged in hazardous substance removal or other activities which expose or potentially expose such workers to hazardous substances receive a minimum of 40 hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor, at the time of assignment. The requirements of the preceding sentence shall not apply to any general site worker who has received the equivalent of such training. Workers who may be exposed to unique or special hazards shall be provided additional training.

(2) TRAINING OF SUPERVISORS.—Standards promulgated under subsection (a) shall include training standards requiring that onsite managers and supervisors directly responsible for the hazardous waste operations (such as foremen) receive the same training as general site workers set forth in paragraph (1) of this subsection and at least eight additional hours of specialized training on managing hazardous waste operations. The requirements of the preceding sentence shall not apply to any person who has received the equivalent of such training.

(3) Certification; enforcement.—Such training standards shall contain provisions for certifying that general site workers, onsite managers, and supervisors have received the specified training and shall prohibit any individual who has not received the specified training from engaging in hazardous waste operations covered by the standard.

(4) Training of emergency response personnel.—Such training standards shall set forth requirements for the training of workers who are responsible for responding to hazardous emergency situations who may be exposed to toxic substances in carrying out their responsibilities.

(e) Interim Regulations.—The Secretary of Labor shall issue interim final regulations under this section within 60 days after the enactment of this section which shall provide no less protection under this section for workers employed by contractors and emergency response workers than the protections contained in the Environmental Protection Agency Manual (1981) "Health and Safety Requirements for Employees Engaged in Field Activities" and existing standards under the Occupational Safety and Health Act of 1970 found in subpart C of part 1926 of title 29 of the Code of Federal Regulations. Such interim final regulations shall take effect upon issuance and shall apply until final regulations become effective under subsection (c).

100 STAT. 1692

29 USC 651 note.
Effective date.

(f) Coverage of Certain State and Local Employees.—Not later than 90 days after the promulgation of final regulations under subsection (a), the Administrator shall promulgate standards identical to those promulgated by the Secretary of Labor under subsection (a). Standards promulgated under this subsection shall apply to employees of State and local governments in each State which does not have in effect an approved State plan under section 18 of the Occupational Safety and Health Act of 1970 providing for standards for the health and safety protection of employees engaged in hazardous waste operations.

Waste disposal.
Safety.

29 USC 667.

(g) Grant Program.—

42 USC 9660a

(1) Grant purposes.—Grants for the training and education of workers who are or may be engaged in activities related to hazardous waste removal or containment or emergency response may be made under this subsection.

(2) Administration.—Grants under this subsection shall be administered by the National Institute of Environmental Health Sciences.

(3) Grant recipients.—Grants shall be awarded to nonprofit organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be engaged in hazardous waste removal or containment or emergency response operations.

Waste disposal.

SEC. 127. LIABILITY LIMITS FOR OCEAN INCINERATION VESSELS.

(a) Definition of Incineration Vessel.—Section 101 of CERCLA is amended by adding the following after paragraph (37):

42 USC 9601.

"(38) The term 'incineration vessel' means any vessel which carries hazardous substances for the purpose of incineration of such substances, so long as such substances or residues of such substances are on board.".

(b) Liability.—Section 107 of CERCLA is amended as follows:

42 USC 9607.

(1) Subsection (a)(3) is amended by inserting "or incineration vessel" after "facility".

(2) Subsection (a)(4) is amended by inserting ", incineration vessels" after "facilities".

(3) Subparagraph (A) of subsection (c)(1) is amended by inserting ", other than an incineration vessel," after "vessel".

(4) Subparagraph (B) of subsection (c)(1) is amended by inserting "other than an incineration vessel," after "other vessel,".

(5) Subparagraph (D) of subsection (c)(1) is amended by inserting "any incineration vessel or" before "any facility".

42 USC 9608.

(c) FINANCIAL RESPONSIBILITY.—Section 108(a) of CERCLA is amended as follows:

(1) Paragraph (1) is amended by inserting "to cover the liability prescribed under paragraph (1) of section 107(a) of this Act" after "whichever is greater)";

President of U.S.

(2) Add a new paragraph to read as follows:

100 STAT. 1693

"(4) In addition to the financial responsibility provisions of paragraph (1) of this subsection, the President shall require additional evidence of financial responsibility for incineration vessels in such amounts, and to cover such liabilities recognized by law, as the President deems appropriate, taking into account the potential risks posed by incineration and transport for incineration, and any other factors deemed relevant.".

33 USC 1416.

(d) SAVINGS CLAUSE.—Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 is amended by adding the following new subsection at the end thereof:

State and local governments.

"(g) SAVINGS CLAUSE.—Nothing in this Act shall restrict, affect or modify the rights of any person (1) to seek damages or enforcement of any standard or limitation under State law, including State common law, or (2) to seek damages under other Federal law, including maritime tort law, resulting from noncompliance with any requirement of this Act or any permit under this Act.".

42 USC 9607.

(e) MARITIME TORT.—Section 107(h) of CERCLA is amended by inserting ", under maritime tort law," after "with this section" and by inserting before the period "or the absence of any physical damage to the proprietary interest of the claimant".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. POST-CLOSURE LIABILITY PROGRAM STUDY, REPORT TO CONGRESS, AND SUSPENSION OF LIABILITY TRANSFERS.

42 USC 9607.

Subsection (k) of section 107 of CERCLA is amended by adding at the end the following new paragraphs:

"(5) SUSPENSION OF LIABILITY TRANSFER.—Notwithstanding paragraphs (1), (2), (3), and (4) of this subsection and subsection (j) of section 111 of this Act, no liability shall be transferred to or assumed by the Post-Closure Liability Trust Fund established by section 232 of this Act prior to completion of the study required under paragraph (6) of this subsection, transmission of a report of such study to both Houses of Congress, and authorization of such a transfer or assumption by Act of Congress following receipt of such study and report.

42 USC 9641.

"(6) STUDY OF OPTIONS FOR POST-CLOSURE PROGRAM.—

"(A) STUDY.—The Comptroller General shall conduct a study of options for a program for the management of the liabilities associated with hazardous waste treatment, storage, and disposal sites after their closure which complements the policies set forth in the Hazardous and Solid Waste Amendments of 1984 and assures the protection of human health and the environment.

42 USC 6901 note.

"(B) PROGRAM ELEMENTS.—The program referred to in subparagraph (A) shall be designed to assure each of the following:

"(i) Incentives are created and maintained for the safe management and disposal of hazardous wastes so as to assure protection of human health and the environment.

"(ii) Members of the public will have reasonable confidence that hazardous wastes will be managed and disposed of safely and that resources will be available to address any problems that may arise and to cover costs of long-term monitoring, care, and maintenance of such sites.

100 STAT. 1694

"(iii) Persons who are or seek to become owners and operators of hazardous waste disposal facilities will be able to manage their potential future liabilities and to attract the investment capital necessary to build, operate, and close such facilities in a manner which assures protection of human health and the environment.

"(C) Assessments.—The study under this paragraph shall include assessments of treatment, storage, and disposal facilities which have been or are likely to be issued a permit under section 3005 of the Solid Waste Disposal Act and the likelihood of future insolvency on the part of owners and operators of such facilities. Separate assessments shall be made for different classes of facilities and for different classes of land disposal facilities and shall include but not be limited to— 42 USC 6925.

"(i) the current and future financial capabilities of facility owners and operators;

"(ii) the current and future costs associated with facilities, including the costs of routine monitoring and maintenance, compliance monitoring, corrective action, natural resource damages, and liability for damages to third parties; and

"(iii) the availability of mechanisms by which owners and operators of such facilities can assure that current and future costs, including post-closure costs, will be financed.

"(D) Procedures.—In carrying out the responsibilities of this paragraph, the Comptroller General shall consult with the Administrator, the Secretary of Commerce, the Secretary of the Treasury, and the heads of other appropriate Federal agencies.

"(E) Consideration of options.—In conducting the study under this paragraph, the Comptroller General shall consider various mechanisms and combinations of mechanisms to complement the policies set forth in the Hazardous and Solid Waste Amendments of 1984 to serve the purposes set forth in subparagraph (B) and to assure that the current and future costs associated with hazardous waste facilities, including post-closure costs, will be adequately financed and, to the greatest extent possible, borne by the owners and operators of such facilities. Mechanisms to be considered include, but are not limited to— 42 USC 6901 note.

"(i) revisions to closure, post-closure, and financial responsibility requirements under subtitles C and I of the Solid Waste Disposal Act; 42 USC 6921, 6991.

"(ii) voluntary risk pooling by owners and operators;

"(iii) legislation to require risk pooling by owners and operators;

"(iv) modification of the Post-Closure Liability Trust Fund previously established by section 232 of this Act, and the conditions for transfer of liability under this subsection, including limiting the transfer of some or all liability under this subsection only in the case of insolvency of owners and operators; 42 USC 9641.

"(v) private insurance;

"(vi) insurance provided by the Federal Government;

100 STAT. 1695

"(vii) coinsurance, reinsurance, or pooled-risk insurance, whether provided by the private sector or provided or assisted by the Federal Government; and

"(viii) creation of a new program to be administered by a new or existing Federal agency or by a federally chartered corporation.

"(F) Recommendations.—The Comptroller General shall consider options for funding any program under this section and shall, to the extent necessary, make recommendations to the appropriate committees of Congress for additional authority to implement such program.".

42 USC 9656.

SEC. 202. HAZARDOUS MATERIALS TRANSPORTATION.

(a) REGULATION REQUIREMENT.—Section 306(a) of CERCLA is amended (1) by striking out "within ninety days after the date of enactment of this Act" and inserting in lieu thereof "within 30 days after the enactment of the Superfund Amendments and Reauthorization Act of 1986" and (2) by inserting "and regulated" before "as a hazardous material".

42 USC 9656.

(b) CONFORMING AMENDMENT.—Section 306(b) of CERCLA is amended by inserting "and regulation" after "prior to the effective date of the listing".

SEC. 203. STATE PROCEDURAL REFORM.

(a) IN GENERAL.—Title III of CERCLA is amended by adding the following new section at the end thereof:

42 USC 9658.

"SEC. 309. ACTIONS UNDER STATE LAW FOR DAMAGES FROM EXPOSURE TO HAZARDOUS SUBSTANCES.

"(a) STATE STATUTES OF LIMITATIONS FOR HAZARDOUS SUBSTANCE CASES.—

"(1) EXCEPTION TO STATE STATUTES.—In the case of any action brought under State law for personal injury, or property damages, which are caused or contributed to by exposure to any hazardous substance, or pollutant or contaminant, released into the environment from a facility, if the applicable limitations period for such action (as specified in the State statute of limitations or under common law) provides a commencement date which is earlier than the federally required commencement date, such period shall commence at the federally required commencement date in lieu of the date specified in such State statute.

"(2) STATE LAW GENERALLY APPLICABLE.—Except as provided in paragraph (1), the statute of limitations established under State law shall apply in all actions brought under State law for personal injury, or property damages, which are caused or contributed to by exposure to any hazardous substance, or pollutant or contaminant, released into the environment from a facility.

"(3) ACTIONS UNDER SECTION 107.—Nothing in this section shall apply with respect to any cause of action brought under section 107 of this Act. 42 USC 9607.

"(b) DEFINITIONS.—As used in this section—

"(1) TITLE I TERMS.—The terms used in this section shall have the same meaning as when used in title I of this Act. 42 USC 9601.

"(2) APPLICABLE LIMITATIONS PERIOD.—The term 'applicable limitations period' means the period specified in a statute of limitations during which a civil action referred to in subsection (a)(1) may be brought.

"(3) COMMENCEMENT DATE.—The term 'commencement date' means the date specified in a statute of limitations as the beginning of the applicable limitations period.

"(4) FEDERALLY REQUIRED COMMENCEMENT DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'federally required commencement date' means the date the plaintiff knew (or reasonably should have known) that the personal injury or property damages referred to in subsection (a)(1) were caused or contributed to by the hazardous substance or pollutant or contaminant concerned.

"(B) SPECIAL RULES.—In the case of a minor or incompetent plaintiff, the term 'federally required commencement date' means the later of the date referred to in subparagraph (A) or the following:

"(i) In the case of a minor, the date on which the minor reaches the age of majority, as determined by State law, or has a legal representative appointed.

"(ii) In the case of an incompetent individual, the date on which such individual becomes competent or has had a legal representative appointed.".

(b) Effective Date.—The amendment made by subsection (a) of this section shall take effect with respect to actions brought after December 11, 1980. 42 USC 9658 note.

SEC. 204. CONFORMING AMENDMENT TO FUNDING PROVISIONS.

42 USC 9631.

(a) Hazardous Substances Superfund.—Section 221(a) of CERCLA is amended by striking out "Hazardous Substance Response Trust Fund" and inserting in lieu thereof "Hazardous Substances Superfund". *Post*, p. 1774.

(b) Cross Reference to Funding Provisions.—Section 221(c) of CERCLA is amended to read as follows: *Post*, p. 1774.

"(c) Expenditures From Trust Fund.—Amounts in the Hazardous Substances Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 shall be available for expenditure only as provided in section 111 of this Act.". 26 USC 9501. *Ante*, p. 1642.

SEC. 205. CLEANUP OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS.

(a) Definition of Petroleum.—Section 9001(2)(B) of the Solid Waste Disposal Act is amended by striking out all that follows "petroleum" and inserting in lieu thereof a period. Section 9001 of such Act is amended by adding at the end thereof the following: 42 USC 6991.

"(8) The term 'petroleum' means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).".

(b) State Inventories.—Section 9002 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof: 42 USC 6991a.

"(c) State Inventories.—Each State shall make 2 separate inventories of all underground storage tanks in such State containing regulated substances. One inventory shall be made with respect to petroleum and one with respect to other regulated substances. In making such inventories, the State shall utilize and aggregate the 100 STAT. 1697 data in the notification forms submitted pursuant to subsections (a) and (b) of this section. Each State shall submit such aggregated data to the Administrator not later than 270 days after the enactment of the Superfund Amendments and Reauthorization Act of 1986.".

(c) Financial Responsibility.—

(1) Requirements.—Section 9003(c) of the Solid Waste Disposal Act is amended by striking "and" at the end of paragraph (4), striking the period at the end of paragraph (5) and substituting "; and" and by adding the following new paragraph at the end thereof: 42 USC 6991b.

"(6) requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank.".

(2) Conforming amendment.—Section 9003(d) of such Act is amended by striking out paragraph (1) and renumbering paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(3) Other methods.—Section 9003(d)(1) of such Act (as redesignated by paragraph (2) of this subsection) is amended by striking out "or" after "credit," and by striking out the period at the end thereof and inserting in lieu thereof the following: "or any other method satisfactory to the Administrator.".

(4) Section 9003(d) of such Act is further amended by adding at the end thereof the following new paragraph:

Regulations.

"(5)(A) The Administrator, in promulgating financial responsibility regulations under this section, may establish an amount of coverage for particular classes or categories of underground storage tanks containing petroleum which shall satisfy such regulations and which shall not be less than $1,000,000 for each occurrence with an appropriate aggregate requirement.

"(B) The Administrator may set amounts lower than the amounts required by subparagraph (A) of this paragraph for underground storage tanks containing petroleum which are at facilities not engaged in petroleum production, refining, or marketing and which are not used to handle substantial quantities of petroleum.

"(C) In establishing classes and categories for purposes of this paragraph, the Administrator may consider the following factors:

"(i) The size, type, location, storage, and handling capacity of underground storage tanks in the class or category and the volume of petroleum handled by such tanks.

"(ii) The likelihood of release and the potential extent of damage from any release from underground storage tanks in the class or category.

Small business.
Marketing.

"(iii) The economic impact of the limits on the owners and operators of each such class or category, particularly relating to the small business segment of the petroleum marketing industry.

"(iv) The availability of methods of financial responsibility in amounts greater than the amount established by this paragraph.

"(v) Such other factors as the Administrator deems pertinent.

100 STAT. 1698

"(D) The Administrator may suspend enforcement of the financial responsibility requirements for a particular class or category of underground storage tanks or in a particular State, if the Administrator makes a determination that methods of financial responsibility satisfying the requirements of this subsection are not generally available for underground storage tanks in that class or category, and—

"(i) steps are being taken to form a risk retention group for such class of tanks; or

42 USC 6991c.

"(ii) such State is taking steps to establish a fund pursuant to section 9004(c)(1) of this Act to be submitted as evidence of financial responsibility.

A suspension by the Administrator pursuant to this paragraph shall extend for a period not to exceed 180 days. A determination to suspend may be made with respect to the same class or category or for the same State at the end of such period, but only if substantial progress has been made in establishing a risk retention group, or the owners or operators in the class or category demonstrate, and the Administrator finds, that the formation of such a group is not possible and that the State is unable or unwilling to establish such a fund pursuant to clause (ii).".

42 USC 6991b.

(d) EPA Response Program.—Section 9003 of the Solid Waste Disposal Act is amended by adding after subsection (g) the following new subsection:

State and local governments.

"(h) EPA Response Program for Petroleum.—

"(1) Before regulations.—Before the effective date of regulations under subsection (c), the Administrator (or a State pursuant to paragraph (7)) is authorized to—

"(A) require the owner or operator of an underground storage tank to undertake corrective action with respect to any release of petroleum when the Administrator (or the State) determines that such corrective action will be done properly and promptly by the owner or operator of the underground storage tank from which the release occurs; or

"(B) undertake corrective action with respect to any release of petroleum into the environment from an underground storage tank if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment.

The corrective action undertaken or required under this paragraph shall be such as may be necessary to protect human health and the environment. The Administrator shall use funds in the Leaking Underground Storage Tank Trust Fund for payment of costs incurred for corrective action under subparagraph (B), enforcement action under subparagraph (A), and cost recovery under paragraph (6) of this subsection. Subject to the priority requirements of paragraph (3), the Administrator (or the State) shall give priority in undertaking such actions under subparagraph (B) to cases where the Administrator (or the State) cannot identify a solvent owner or operator of the tank who will undertake action properly.

"(2) AFTER REGULATIONS.—Following the effective date of regulations under subsection (c), all actions or orders of the Administrator (or a State pursuant to paragraph (7)) described in paragraph (1) of this subsection shall be in conformity with such regulations. Following such effective date, the Administrator (or the State) may undertake corrective action with respect to any release of petroleum into the environment from an underground storage tank only if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment and one or more of the following situations exists:

100 STAT. 1699

"(A) No person can be found, within 90 days or such shorter period as may be necessary to protect human health and the environment, who is—

"(i) an owner or operator of the tank concerned,

"(ii) subject to such corrective action regulations, and

"(iii) capable of carrying out such corrective action properly.

"(B) A situation exists which requires prompt action by the Administrator (or the State) under this paragraph to protect human health and the environment.

"(C) Corrective action costs at a facility exceed the amount of coverage required by the Administrator pursuant to the provisions of subsections (c) and (d)(5) of this section and, considering the class or category of underground storage tank from which the release occurred, expenditures from the Leaking Underground Storage Tank Trust Fund are necessary to assure an effective corrective action.

"(D) The owner or operator of the tank has failed or refused to comply with an order of the Administrator under this subsection or section 9006 or with the order of a State under this subsection to comply with the corrective action regulations.

42 USC 6991e.

"(3) PRIORITY OF CORRECTIVE ACTIONS.—The Administrator (or a State pursuant to paragraph (7)) shall give priority in undertaking corrective actions under this subsection, and in issuing orders requiring owners or operators to undertake such actions, to releases of petroleum from underground storage tanks which pose the greatest threat to human health and the environment.

"(4) CORRECTIVE ACTION ORDERS.—The Administrator is authorized to issue orders to the owner or operator of an underground storage tank to carry out subparagraph (A) of paragraph (1) or to carry out regulations issued under subsection (c)(4). A State acting pursuant to paragraph (7) of this subsection is

42 USC 6991c.

authorized to carry out subparagraph (A) of paragraph (1) only until the State's program is approved by the Administrator under section 9004 of this subtitle. Such orders shall be issued and enforced in the same manner and subject to the same requirements as orders under section 9006.

"(5) Allowable corrective actions.—The corrective actions undertaken by the Administrator (or a State pursuant to paragraph (7)) under paragraph (1) or (2) may include temporary or permanent relocation of residents and alternative household water supplies. In connection with the performance of any corrective action under paragraph (1) or (2), the Administrator may undertake an exposure assessment as defined in paragraph (10) of this subsection or provide for such an assessment in a cooperative agreement with a State pursuant to paragraph (7) of this subsection. The costs of any such assessment may be treated as corrective action for purposes of paragraph (6), relating to cost recovery.

100 STAT. 1700

"(6) Recovery of costs.—

"(A) In general.—Whenever costs have been incurred by the Administrator, or by a State pursuant to paragraph (7), for undertaking corrective action or enforcement action with respect to the release of petroleum from an underground storage tank, the owner or operator of such tank shall be liable to the Administrator or the State for such costs. The liability under this paragraph shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

33 USC 1321.

"(B) Recovery.—In determining the equities for seeking the recovery of costs under subparagraph (A), the Administrator (or a State pursuant to paragraph (7) of this subsection) may consider the amount of financial responsibility required to be maintained under subsections (c) and (d)(5) of this section and the factors considered in establishing such amount under subsection (d)(5).

"(C) Effect on liability.—

"(i) No transfers of liability.—No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any underground storage tank or from any person who may be liable for a release or threat of release under this subsection, to any other person the liability imposed under this subsection. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

"(ii) No bar to cause of action.—Nothing in this subsection, including the provisions of clause (i) of this subparagraph, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

"(D) Facility.—For purposes of this paragraph, the term 'facility' means, with respect to any owner or operator, all underground storage tanks used for the storage of petroleum which are owned or operated by such owner or operator and located on a single parcel of property (or on any contiguous or adjacent property).

"(7) State authorities.—

"(A) General.—A State may exercise the authorities in paragraphs (1) and (2) of this subsection, subject to the terms and conditions of paragraphs (3), (5), (9), (10), and (11), and including the authorities of paragraphs (4), (6), and (8) of this subsection if—

"(i) the Administrator determines that the State has the capabilities to carry out effective corrective actions and enforcement activities; and

"(ii) the Administrator enters into a cooperative agreement with the State setting out the actions to be undertaken by the State. Contracts.

The Administrator may provide funds from the Leaking Underground Storage Tank Trust Fund for the reasonable costs of the State's actions under the cooperative agreement.

"(B) Cost share.—Following the effective date of the regulations under subsection (c) of this section, the State shall pay 10 per centum of the cost of corrective actions undertaken either by the Administrator or by the State under a cooperative agreement, except that the Administrator may take corrective action at a facility where immediate action is necessary to respond to an imminent and substantial endangerment to human health or the environment if the State fails to pay the cost share.

"(8) Emergency procurement powers.—Notwithstanding any other provision of law, the Administrator may authorize the use of such emergency procurement powers as he deems necessary.

"(9) Definition of owner.—As used in this subsection, the term 'owner' does not include any person who, without participating in the management of an underground storage tank and otherwise not engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect the owner's security interest in the tank.

"(10) Definition of exposure assessment.—As used in this subsection, the term 'exposure assessment' means an assessment to determine the extent of exposure of, or potential for exposure of, individuals to petroleum from a release from an underground storage tank based on such factors as the nature and extent of contamination and the existence of or potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size of the community within the likely pathways of exposure, and the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants. Such assessment shall not delay corrective action to abate immediate hazards or reduce exposure.

"(11) Facilities without financial responsibility.—**At any facility where the owner or operator has failed to maintain evidence of financial responsibility in amounts at least equal to the amounts established by subsection (d)(5)(A) of this section (or a lesser amount if such amount is applicable to such facility as a result of subsection (d)(5)(B) of this section) for whatever reason the Administrator shall expend no monies from the Leaking Underground Storage Tank Trust Fund to clean up releases at such facility pursuant to the provisions of paragraph (1) or (2) of this subsection. At such facilities the Administrator shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (4) of this subsection and section 9006 of this subtitle to order corrective action to clean up such releases. States acting pursuant to paragraph (7) of this subsection shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (4) of this subsection to order corrective action to clean up such releases. Notwithstanding the provisions of this paragraph, the Administrator may use monies from the fund to take the corrective actions authorized by paragraph (5) of this subsection to protect human health at such facilities and shall seek full recovery of the costs of all such actions pursuant to the provisions of paragraph (6)(A) of this subsection and without consideration of the factors in paragraph (6)(B) of this** 42 USC 6991e.

subsection. Nothing in this paragraph shall prevent the Administrator (or a State pursuant to paragraph (7) of this subsection) from taking corrective action at a facility where there is no solvent owner or operator or where immediate action is necessary to respond to an imminent and substantial endangerment of human health or the environment.".

42 USC 6991c.

(e) FINANCIAL RESPONSIBILITY IN STATE PROGRAMS.—

(1) Section 9004(c)(1) of the Solid Waste Disposal Act is amended by striking out "financed by fees on tank owners and operators and".

(2) Section 9004(c)(2) of the Solid Waste Disposal Act is amended by striking out "or" after "credit," in the first sentence and by striking out the period at the end thereof and inserting in lieu thereof the following: "or any other method satisfactory to the Administrator.". Such section is further amended by adding after the word "terms" in the second sentence the following: "including the amount of coverage required for various classes and categories of underground storage tanks pursuant to section 9003(d)(5)".

Ante, p. 1697.

42 USC 6991d.

(f) AUTHORITY TO ENTER FOR CORRECTIVE ACTIONS.—

(1) Section 9005(a) of the Solid Waste Disposal Act is amended by inserting the words "taking any corrective action" after the word "study", inserting the words "acting pursuant to subsection (h)(7) of section 9003 or" after the words "or representative of a State", striking the word "and" before the words "permit such officer", and inserting the words "and permit such officer to have access for corrective action" after the words "relating to such tanks" in the first sentence thereof. Such section is further amended by inserting the words "taking corrective action," after the word "study," in the second sentence thereof.

(2) Section 9005(a) of the Solid Waste Disposal Act is amended by striking the word "and" at the end of paragraph (2), striking out the period at the end of paragraph (3) and inserting "; and", and adding the following new paragraph at the end thereof—

"(4) to take corrective action.".

(3) Section 9005 of the Solid Waste Disposal Act is amended by changing the heading thereof to read as follows—

"INSPECTIONS, MONITORING, TESTING AND CORRECTIVE ACTION".

(g) COORDINATION WITH OTHER LAWS.—Section 9008 of the Solid Waste Disposal Act is amended to read as follows:

"STATE AUTHORITY

42 USC 6991g.

"SEC. 9008. Nothing in this subtitle shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance respecting underground storage tanks that is more stringent than a regulation, requirement, or standard of performance in effect under this subtitle or to impose any additional liability with respect to the release of regulated substances within such State or political subdivision.".

42 USC 6991b note.

(h) POLLUTION LIABILITY INSURANCE.—

(1) STUDY.—The Comptroller General shall conduct a study of the availability of pollution liability insurance, leak insurance, and contamination insurance for owners and operators of petroleum storage and distribution facilities. The study shall assess

the current and projected extent to which private insurance can contribute to the financial responsibility of owners and operators of underground storage tanks and the ability of owners and operators of underground storage tanks to maintain financial responsibility through other methods. The study shall consider the experience of owners and operators of marine vessels in getting insurance for their liabilities under the Federal Water Pollution Control Act and the operation of the Water Quality Insurance Syndicate.

Vessels.

33 USC 1251 note.

(2) REPORT.—The Comptroller General shall report the findings under this subsection to the Congress within 15 months after the enactment of this subsection. Such report shall include recommendations for legislative or administrative changes that will enable owners and operators of underground storage tanks to maintain financial responsibility sufficient to provide all clean-up costs and damages that may result from reasonably foreseeable releases and events.

(i) CRIMINAL PENALTIES RELATING TO USED OIL.—Subtitle C of the Solid Waste Disposal Act is amended as follows: 42 USC 6928.

(1) In paragraphs (4) and (5) of section 3008(d) after "hazardous waste" insert "or any used oil not identified or listed as a hazardous waste under this subtitle".

(2) Delete "accompanied by a manifest; ; or" in paragraph (5) and insert "accompanied by a manifest;".

(3) Insert "; or" after paragraph (6).

(4) Add the following new paragraph after paragraph (6):

"(7) knowingly stores, treats, transports, or causes to be transported, disposes of, or otherwise handles any used oil not identified or listed as a hazardous waste under subtitle C of the Solid Waste Disposal Act— 42 USC 6921.

"(A) in knowing violation of any material condition or requirement of a permit under this subtitle C; or

"(B) in knowing violation of any material condition or requirement of any applicable regulations or standards under this Act;".

(5) In section 3008(e):

(A) Insert "or used oil not identified or listed as a hazardous waste under this subtitle" immediately after "this subtitle".

(B) Strike "or" immediately before "(6)".

(C) Insert ", or (7)" immediately after "(6)".

(j) STATE PROGRAMS FOR USED OIL.—Section 3006 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof: 42 USC 6926.

"(h) STATE PROGRAMS FOR USED OIL.—In the case of used oil which is not listed or identified under this subtitle as a hazardous waste but which is regulated under section 3014, the provisions of this section regarding State programs shall apply in the same manner and to the same extent as such provisions apply to hazardous waste identified or listed under this subtitle.". 42 USC 6935.

SEC. 206. CITIZENS SUITS.

Title III of CERCLA is amended by adding the following new section after section 309:

100 STAT. 1704

"SEC. 310. CITIZENS SUITS.

42 USC 9659.

"(a) AUTHORITY TO BRING CIVIL ACTIONS.—Except as provided in subsections (d) and (e) of this section and in section 113(h) (relating to timing of judicial review), any person may commence a civil action on his own behalf— *Ante*, p. 1650.

"(1) against any person (including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any standard, regulation, condition, requirement, or order which has become effective pursuant to this Act (including any provision of an agreement under section 120, relating to Federal facilities); or

"(2) against the President or any other officer of the United States (including the Administrator of the Environmental Protection Agency and the Administrator of the ATSDR) where there is alleged a failure of the President or of such other officer to perform any act or duty under this Act, including an act or duty under section 120 (relating to Federal facilities), which is not discretionary with the President or such other officer.

Paragraph (2) shall not apply to any act or duty under the provisions of section 311 (relating to research, development, and demonstration).

"(b) VENUE.—

"(1) ACTIONS UNDER SUBSECTION (a)(1).—Any action under subsection (a)(1) shall be brought in the district court for the district in which the alleged violation occurred.

District of Columbia.

"(2) ACTIONS UNDER SUBSECTION (a)(2).—Any action brought under subsection (a)(2) may be brought in the United States District Court for the District of Columbia.

Law enforcement and crime.

"(c) RELIEF.—The district court shall have jurisdiction in actions brought under subsection (a)(1) to enforce the standard, regulation, condition, requirement, or order concerned (including any provision of an agreement under section 120), to order such action as may be necessary to correct the violation, and to impose any civil penalty provided for the violation. The district court shall have jurisdiction in actions brought under subsection (a)(2) to order the President or other officer to perform the act or duty concerned.

"(d) RULES APPLICABLE TO SUBSECTION (a)(1) ACTIONS.—

"(1) NOTICE.—No action may be commenced under subsection (a)(1) of this section before 60 days after the plaintiff has given notice of the violation to each of the following:

"(A) The President.

"(B) The State in which the alleged violation occurs.

"(C) Any alleged violator of the standard, regulation, condition, requirement, or order concerned (including any provision of an agreement under section 120).

President of U.S. Regulations.

Notice under this paragraph shall be given in such manner as the President shall prescribe by regulation.

"(2) DILIGENT PROSECUTION.—No action may be commenced under paragraph (1) of subsection (a) if the President has commenced and is diligently prosecuting an action under this Act, or under the Solid Waste Disposal Act to require compliance with the standard, regulation, condition, requirement, or order concerned (including any provision of an agreement under section 120).

42 USC 6901 note.

100 STAT. 1705

"(e) RULES APPLICABLE TO SUBSECTION (a)(2) ACTIONS.—No action may be commenced under paragraph (2) of subsection (a) before the 60th day following the date on which the plaintiff gives notice to the Administrator or other department, agency, or instrumentality that the plaintiff will commence such action. Notice under this subsection shall be given in such manner as the President shall prescribe by regulation.

President of U.S. Regulations.

"(f) COSTS.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

18 USC app.

"(g) INTERVENTION.—In any action under this section, the United States or the State, or both, if not a party may intervene as a matter of right. For other provisions regarding intervention, see section 113.

"(h) OTHER RIGHTS.—This Act does not affect or otherwise impair the rights of any person under Federal, State, or common law, except with respect to the timing of review as provided in section 113(h) or as otherwise provided in section 309 (relating to actions under State law).

Ante, p. 1650.

"(i) DEFINITIONS.—The terms used in this section shall have the same meanings as when used in title I.".

42 USC 9601.

SEC. 207. INDIAN TRIBES.

(a) Definition.—For definition of Indian tribe, see the amendments made by section 101 of this Act.

(b) Future Maintenance and Cost Sharing.—Section 104(c)(3) of CERCLA is amended by adding at the end thereof the following: "In the case of remedial action to be taken on land or water held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe (if such land or water is subject to a trust restriction on alienation), or otherwise within the borders of an Indian reservation, the requirements of this paragraph for assurances regarding future maintenance and cost-sharing shall not apply, and the President shall provide the assurance required by this paragraph regarding the availability of a hazardous waste disposal facility.".

42 USC 9604.

(c) Liability.—Section 107 of CERCLA is amended as follows:

42 USC 9607.

(1) In subsection (a) by inserting "or an Indian tribe" after "State";

(2) In subsection (f):

(A) Insert after "State" the third time that word appears the following: "and to any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation".

(B) Insert "or Indian tribe" after "State" the fourth time that word appears.

(C) Add before the period at the end of the first sentence the following: ", so long as, in the case of damages to an Indian tribe occurring pursuant to a Federal permit or license, the issuance of that permit or license was not

100 STAT. 1706

inconsistent with the fiduciary duty of the United States with respect to such Indian tribe".

(D) Insert "or the Indian tribe" after "State government".

(3) In subsection (i) insert "or Indian tribe" after "State" the first time it appears.

(4) In subsection (j) insert "or Indian tribe" after "State" the first time it appears.

(d) Natural Resources Claims, Delegation, Etc.—Section 111 of CERCLA is amended as follows:

42 USC 9611.

(1) In subsection (b), insert before the period at the end thereof the following: ", or by any Indian tribe or by the United States acting on behalf of any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation";

(2) In subsection (c)(2) insert "or Indian tribe" after "State".

(3) In subsection (f) insert "or Indian tribe" after "State"; and

(4) In subsection (i) insert after "State," the following: "and by the governing body of any Indian tribe having sustained damage to natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation,".

(e) Treatment of Tribes Generally.—Title I of CERCLA is amended by adding the following new section after section 125:

"SEC. 126. INDIAN TRIBES.

42 USC 9626.

"(a) Treatment Generally.—The governing body of an Indian tribe shall be afforded substantially the same treatment as a State with respect to the provisions of section 103(a) (regarding notification of releases), section 104(c)(2) (regarding consultation on remedial actions), section 104(e) (regarding access to information), section 104(i) (regarding health authorities) and section 105 (regarding roles and responsibilities under the national contingency plan

42 USC 9603.
42 USC 9604.
Ante, p. 1636; 42 USC 9605.

and submittal of priorities for remedial action, but not including the provision regarding the inclusion of at least one facility per State on the National Priorities List).

President of U.S.
Health and medical care.

"(b) COMMUNITY RELOCATION.—Should the President determine that proper remedial action is the permanent relocation of tribal members away from a contaminated site because it is cost effective and necessary to protect their health and welfare, such finding must be concurred in by the affected tribal government before relocation shall occur. The President, in cooperation with the Secretary of the Interior, shall also assure that all benefits of the relocation program are provided to the affected tribe and that alternative land of equivalent value is available and satisfactory to the tribe. Any lands acquired for relocation of tribal members shall be held in trust by the United States for the benefit of the tribe.

Real property.

President of U.S.
Reports.

"(c) STUDY.—The President shall conduct a survey, in consultation with the Indian tribes, to determine the extent of hazardous waste sites on Indian lands. Such survey shall be included within a report which shall make recommendations on the program needs of tribes under this Act, with particular emphasis on how tribal participation in the administration of such programs can be maximized. Such report shall be submitted to Congress along with the President's budget request for fiscal year 1988.

100 STAT. 1707

"(d) LIMITATION.—Notwithstanding any other provision of this Act, no action under this Act by an Indian tribe shall be barred until the later of the following:

"(1) The applicable period of limitations has expired.

Claims.

"(2) 2 years after the United States, in its capacity as trustee for the tribe, gives written notice to the governing body of the tribe that it will not present a claim or commence an action on behalf of the tribe or fails to present a claim or commence an action within the time limitations specified in this Act.".

SEC. 208. INSURABILITY STUDY.

Post, p. 1726.
42 USC 9651.

Section 301 of CERCLA is amended by adding the following new subsection at the end thereof:

"(g) INSURABILITY STUDY.—

"(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States, in consultation with the persons described in paragraph (2), shall undertake a study to determine the insurability, and effects on the standard of care, of the liability of each of the following:

"(A) Persons who generate hazardous substances: liability for costs and damages under this Act.

"(B) Persons who own or operate facilities: liability for costs and damages under this Act.

"(C) Persons liable for injury to persons or property caused by the release of hazardous substances into the environment.

"(2) CONSULTATION.—In conducting the study under this subsection, the Comptroller General shall consult with the following:

"(A) Representatives of the Administrator.

"(B) Representatives of persons described in subparagraphs (A) through (C) of the preceding paragraph.

"(C) Representatives (i) of groups or organizations comprised generally of persons adversely affected by releases or threatened releases of hazardous substances and (ii) of groups organized for protecting the interests of consumers.

"(D) Representatives of property and casualty insurers.

"(E) Representatives of reinsurers.

"(F) Persons responsible for the regulation of insurance at the State level.

"(3) ITEMS EVALUATED.—The study under this section shall include, among other matters, an evaluation of the following:

"(A) Current economic conditions in, and the future outlook for, the commercial market for insurance and reinsurance.

"(B) Current trends in statutory and common law remedies.

"(C) The impact of possible changes in traditional standards of liability, proof, evidence, and damages on existing statutory and common law remedies.

"(D) The effect of the standard of liability and extent of the persons upon whom it is imposed under this Act on the protection of human health and the environment and on the availability, underwriting, and pricing of insurance coverage.

"(E) Current trends, if any, in the judicial interpretation and construction of applicable insurance contracts, together with the degree to which amendments in the language of such contracts and the description of the risks assumed, could affect such trends.

100 STAT. 1708

"(F) The frequency and severity of a representative sample of claims closed during the calendar year immediately preceding the enactment of this subsection.

"(G) Impediments to the acquisition of insurance or other means of obtaining liability coverage other than those referred to in the preceding subparagraphs.

"(H) The effects of the standards of liability and financial responsibility requirements imposed pursuant to this Act on the cost of, and incentives for, developing and demonstrating alternative and innovative treatment technologies, as well as waste generation minimization.

Reports.

"(4) SUBMISSION.—The Comptroller General shall submit a report on the results of the study to Congress with appropriate recommendations within 12 months after the enactment of this subsection.".

SEC. 209. RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

42 USC 9660 note.

(a) PURPOSE.—The purposes of this section are as follows:

(1) To establish a comprehensive and coordinated Federal program of research, development, demonstration, and training for the purpose of promoting the development of alternative and innovative treatment technologies that can be used in response actions under the CERCLA program, to provide incentives for the development and use of such technologies, and to improve the scientific capability to assess, detect and evaluate the effects on and risks to human health from hazardous substances.

Schools and colleges. Education.

(2) To establish a basic university research and education program within the Department of Health and Human Services and a research, demonstration, and training program within the Environmental Protection Agency.

(3) To reserve certain funds from the Hazardous Substance Trust Fund to support a basic research program within the Department of Health and Human Services, and an applied and developmental research program within the Environmental Protection Agency.

(4) To enhance the Environmental Protection Agency's internal research capabilities related to CERCLA activities, including site assessment and technology evaluation.

(5) To provide incentives for the development of alternative and innovative treatment technologies in a manner that supplements or coordinates with, but does not compete with or duplicate, private sector development of such technologies.

(b) AMENDMENT OF CERCLA.—Title III of CERCLA is amended by adding the following new section at the end thereof:

"SEC. 311. RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

42 USC 9660.

"(a) HAZARDOUS SUBSTANCE RESEARCH AND TRAINING.—

"(1) AUTHORITIES OF SECRETARY.—The Secretary of Health and Human Services (hereinafter in this subsection referred to as the Secretary), in consultation with the Administrator, shall establish and support a basic research and training program (through grants, cooperative agreements, and contracts) consisting of the following:

"(A) Basic research (including epidemiologic and ecologic studies) which may include each of the following:

"(i) Advanced techniques for the detection, assessment, and evaluation of the effects on human health of hazardous substances.

"(ii) Methods to assess the risks to human health presented by hazardous substances.

"(iii) Methods and technologies to detect hazardous substances in the environment and basic biological, chemical, and physical methods to reduce the amount and toxicity of hazardous substances.

'(B) Training, which may include each of the following:

"(i) Short courses and continuing education for State and local health and environment agency personnel and other personnel engaged in the handling of hazardous substances, in the management of facilities at which hazardous substances are located, and in the evaluation of the hazards to human health presented by such facilities.

"(ii) Graduate or advanced training in environmental and occupational health and safety and in the public health and engineering aspects of hazardous waste control.

"(iii) Graduate training in the geosciences, including hydrogeology, geological engineering, geophysics, geochemistry, and related fields necessary to meet professional personnel needs in the public and private sectors and to effectuate the purposes of this Act.

"(2) DIRECTOR OF NIEHS.—The Director of the National Institute for Environmental Health Sciences shall cooperate fully with the relevant Federal agencies referred to in subparagraph (A) of paragraph (5) in carrying out the purposes of this section.

"(3) RECIPIENTS OF GRANTS, ETC.—A grant, cooperative agreement, or contract may be made or entered into under paragraph (1) with an accredited institution of higher education. The institution may carry out the research or training under the grant, cooperative agreement, or contract through contracts, including contracts with any of the following:

"(A) Generators of hazardous wastes.

"(B) Persons involved in the detection, assessment, evaluation, and treatment of hazardous substances.

"(C) Owners and operators of facilities at which hazardous substances are located.

"(D) State and local governments.

Grants.
Contracts.

"(4) PROCEDURES.—In making grants and entering into cooperative agreements and contracts under this subsection, the Secretary shall act through the Director of the National Institute for Environmental Health Sciences. In considering the allocation of funds for training purposes, the Director shall ensure that at least one grant, cooperative agreement, or contract shall be awarded for training described in each of clauses (i), (ii), and (iii) of paragraph (1)(B). Where applicable, the Director may choose to operate training activities in cooperation with the Director of the National Institute for Occupational Safety and Health. The procedures applicable to grants and contracts under title IV of the Public Health Service Act shall be followed under this subsection.

42 USC 281.

"(5) ADVISORY COUNCIL.—To assist in the implementation of this subsection and to aid in the coordination of research and demonstration and training activities funded from the Fund under this section, the Secretary shall appoint an advisory council (hereinafter in this subsection referred to as the 'Advisory Council') which shall consist of representatives of the following:

"(A) The relevant Federal agencies.
"(B) The chemical industry.
"(C) The toxic waste management industry.
"(D) Institutions of higher education.
"(E) State and local health and environmental agencies.
"(F) The general public.

"(6) PLANNING.—Within nine months after the date of the enactment of this subsection, the Secretary, acting through the Director of the National Institute for Environmental Health Sciences, shall issue a plan for the implementation of paragraph (1). The plan shall include priorities for actions under paragraph (1) and include research and training relevant to scientific and technological issues resulting from site specific hazardous substance response experience. The Secretary shall, to the maximum extent practicable, take appropriate steps to coordinate program activities under this plan with the activities of other Federal agencies in order to avoid duplication of effort. The plan shall be consistent with the need for the development of new technologies for meeting the goals of response actions in accordance with the provisions of this Act. The Advisory Council shall be provided an opportunity to review and comment on the plan and priorities and assist appropriate coordination among the relevant Federal agencies referred to in subparagraph (A) of paragraph (5).

Science and technology.

"(b) ALTERNATIVE OR INNOVATIVE TREATMENT TECHNOLOGY RESEARCH AND DEMONSTRATION PROGRAM.—

Health and medical care.

"(1) ESTABLISHMENT.—The Administrator is authorized and directed to carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies (hereinafter in this subsection referred to as the 'program') which may be utilized in response actions to achieve more permanent protection of human health and welfare and the environment.

"(2) ADMINISTRATION.—The program shall be administered by the Administrator, acting through an office of technology demonstration and shall be coordinated with programs carried out by the Office of Solid Waste and Emergency Response and the Office of Research and Development.

"(3) CONTRACTS AND GRANTS.—In carrying out the program, the Administrator is authorized to enter into contracts and cooperative agreements with, and make grants to, persons, public entities, and nonprofit private entities which are exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954. The Administrator shall, to the maximum extent possible, enter into appropriate cost sharing arrangements under this subsection.

26 USC 501.

"(4) USE OF SITES.—In carrying out the program, the Administrator may arrange for the use of sites at which a response may be undertaken under section 104 for the purposes of carrying out research, testing, evaluation, development, and demonstration projects. Each such project shall be carried out under such terms and conditions as the Administrator shall require to assure the protection of human health and the environment and to assure adequate control by the Administrator of the research, testing, evaluation, development, and demonstration activities at the site.

42 USC 9604.

Health and medical care.

"(5) DEMONSTRATION ASSISTANCE.—

"(A) PROGRAM COMPONENTS.—The demonstration assistance program shall include the following:

"(i) The publication of a solicitation and the evaluation of applications for demonstration projects utilizing alternative or innovative technologies.

"(ii) The selection of sites which are suitable for the testing and evaluation of innovative technologies.

"(iii) The development of detailed plans for innovative technology demonstration projects.

"(iv) The supervision of such demonstration projects and the providing of quality assurance for data obtained.

"(v) The evaluation of the results of alternative innovative technology demonstration projects and the determination of whether or not the technologies used are effective and feasible.

"(B) SOLICITATION.—Within 90 days after the date of the enactment of this section, and no less often than once every 12 months thereafter, the Administrator shall publish a solicitation for innovative or alternative technologies at a stage of development suitable for full-scale demonstrations at sites at which a response action may be undertaken under section 104. The purpose of any such project shall be to demonstrate the use of an alternative or innovative treatment technology with respect to hazardous substances or pollutants or contaminants which are located at the site or which are to be removed from the site. The solicitation notice shall prescribe information to be included in the application, including technical and economic data derived from the applicant's own research and development efforts, and other information sufficient to permit the Administrator to assess the technology's potential and the types of remedial action to which it may be applicable.

42 USC 9604.

"(C) APPLICATIONS.—Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitation. The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

"(D) PROJECT SELECTION.—In selecting technologies to be demonstrated, the Administrator shall fully review the applications submitted and shall consider at least the criteria specified in paragraph (7). The Administrator shall select or refuse to select a project for demonstration under this subsection within 90 days of receiving the completed application for such project. In the case of a refusal to select the project, the Administrator shall notify the applicant within such 90-day period of the reasons for his refusal.

"(E) SITE SELECTION.—The Administrator shall propose 10 sites at which a response may be undertaken under section 104 to be the location of any demonstration project under this subsection within 60 days after the close of the public comment period. After an opportunity for notice and public comment, the Administrator shall select such sites and projects. In selecting any such site, the Administrator shall take into account the applicant's technical data and preferences either for onsite operation or for utilizing the site as a source of hazardous substances or pollutants or contaminants to be treated offsite.

100 STAT. 1712

42 USC 9604.

"(F) DEMONSTRATION PLAN.—Within 60 days after the selection of the site under this paragraph to be the location of a demonstration project, the Administrator shall establish a final demonstration plan for the project, based upon the demonstration plan contained in the application for the project. Such plan shall clearly set forth how and when the demonstration project will be carried out.

"(G) SUPERVISION AND TESTING.—Each demonstration project under this subsection shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project. The Administrator may pay the costs of testing, monitoring, quality control, and other measurements required by the Administrator to determine and evaluate the results of the demonstration project, and the limitations established by subparagraph (J) shall not apply to such costs.

Contracts.

"(H) PROJECT COMPLETION.—Each demonstration project under this subsection shall be completed within such time as is established in the demonstration plan.

"(I) EXTENSIONS.—The Administrator may extend any deadline established under this paragraph by mutual agreement with the applicant concerned.

Contracts.

"(J) FUNDING RESTRICTIONS.—The Administrator shall not provide any Federal assistance for any part of a full-scale field demonstration project under this subsection to any applicant unless such applicant can demonstrate that it cannot obtain appropriate private financing on reasonable terms and conditions sufficient to carry out such demonstration project without such Federal assistance. The total Federal funds for any full-scale field demonstration project under this subsection shall not exceed 50 percent of the total cost of such project estimated at the time of the award of such assistance. The Administrator shall not expend more than $10,000,000 for assistance under the program in any fiscal year and shall not expend more than $3,000,000 for any single project.

"(6) FIELD DEMONSTRATIONS.—In carrying out the program, the Administrator shall initiate or cause to be initiated at least 10 field demonstration projects of alternative or innovative treatment technologies at sites at which a response may be undertaken under section 104, in fiscal year 1987 and each of the succeeding three fiscal years. If the Administrator determines that 10 field demonstration projects under this subsection cannot be initiated consistent with the criteria set forth in paragraph (7) in any of such fiscal years, the Administrator shall transmit to the appropriate committees of Congress a report explaining the reasons for his inability to conduct such demonstration projects.

42 USC 9604.
Reports.

"(7) CRITERIA.—In selecting technologies to be demonstrated under this subsection, the Administrator shall, consistent with the protection of human health and the environment, consider each of the following criteria:

Health and medical care.

"(A) The potential for contributing to solutions to those waste problems which pose the greatest threat to human health, which cannot be adequately controlled under present technologies, or which otherwise pose significant management difficulties.

"(B) The availability of technologies which have been sufficiently developed for field demonstration and which are likely to be cost-effective and reliable.

"(C) The availability and suitability of sites for demonstrating such technologies, taking into account the physical, biological, chemical, and geological characteristics of the sites, the extent and type of contamination found at the site, and the capability to conduct demonstration projects in such a manner as to assure the protection of human health and the environment.

"(D) The likelihood that the data to be generated from the demonstration project at the site will be applicable to other sites.

"(8) Technology transfer.—In carrying out the program, the Administrator shall conduct a technology transfer program including the development, collection, evaluation, coordination, and dissemination of information relating to the utilization of alternative or innovative treatment technologies for response actions. The Administrator shall establish and maintain a central reference library for such information. The information maintained by the Administrator shall be made available to the public, subject to the provisions of section 552 of title 5 of the United States Code and section 1905 of title 18 of the United States Code, and to other Government agencies in a manner that will facilitate its dissemination; except, that upon a showing satisfactory to the Administrator by any person that any information or portion thereof obtained under this subsection by the Administrator directly or indirectly from such person, would, if made public, divulge—

Public information. Classified information. Law enforcement and crime.

"(A) trade secrets; or

"(B) other proprietary information of such person,

the Administrator shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18 of the United States Code. This subsection is not authority to withhold information from Congress or any committee of Congress upon the request of the chairman of such committee.

"(9) Training.—The Administrator is authorized and directed to carry out, through the Office of Technology Demonstration, a program of training and an evaluation of training needs for each of the following:

"(A) Training in the procedures for the handling and removal of hazardous substances for employees who handle hazardous substances.

"(B) Training in the management of facilities at which hazardous substances are located and in the evaluation of the hazards to human health presented by such facilities for State and local health and environment agency personnel.

"(10) Definition.—For purposes of this subsection, the term 'alternative or innovative treatment technologies' means those technologies, including proprietary or patented methods, which permanently alter the composition of hazardous waste through chemical, biological, or physical means so as to significantly reduce the toxicity, mobility, or volume (or any combination thereof) of the hazardous waste or contaminated materials being treated. The term also includes technologies that characterize or assess the extent of contamination, the chemical and physical character of the contaminants, and the stresses imposed by the contaminants on complex ecosystems at sites.

Grants. Contracts. Health and medical care.

"(c) Hazardous Substance Research.—The Administrator may conduct and support, through grants, cooperative agreements, and contracts, research with respect to the detection, assessment, and evaluation of the effects on and risks to human health of hazardous substances and detection of hazardous substances in the environment. The Administrator shall coordinate such research with the Secretary of Health and Human Services, acting through the advisory council established under this section, in order to avoid duplication of effort.

Grants.

"(d) University Hazardous Substance Research Centers.—

"(1) Grant program.—The Administrator shall make grants to institutions of higher learning to establish and operate not fewer than 5 hazardous substance research centers in the United States. In carrying out the program under this subsection, the Administrator should seek to have established and operated 10 hazardous substance research centers in the United States.

"(2) RESPONSIBILITIES OF CENTERS.—The responsibilities of each hazardous substance research center established under this subsection shall include, but not be limited to, the conduct of research and training relating to the manufacture, use, transportation, disposal, and management of hazardous substances and publication and dissemination of the results of such research.

"(3) APPLICATIONS.—Any institution of higher learning interested in receiving a grant under this subsection shall submit to the Administrator an application in such form and containing such information as the Administrator may require by regulation.

"(4) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The hazardous substance research center shall be located in a State which is representative of the needs of the region in which such State is located for improved hazardous waste management.

"(B) The grant recipient shall be located in an area which has experienced problems with hazardous substance management.

"(C) There is available to the grant recipient for carrying out this subsection demonstrated research resources.

"(D) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate hazardous substance management problems.

"(E) The grant recipient shall make a commitment to support ongoing hazardous substance research programs with budgeted institutional funds of at least $100,000 per year.

"(F) The grant recipient shall have an interdisciplinary staff with demonstrated expertise in hazardous substance management and research.

"(G) The grant recipient shall have a demonstrated ability to disseminate results of hazardous substance research and educational programs through an interdisciplinary continuing education program.

"(H) The projects which the grant recipient proposes to carry out under the grant are necessary and appropriate.

"(5) MAINTENANCE OF EFFORT.—No grant may be made under this subsection in any fiscal year unless the recipient of such grant enters into such agreements with the Administrator as the Administrator may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional hazardous substance research center and related research activities at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this subsection.

"(6) FEDERAL SHARE.—The Federal share of a grant under this subsection shall not exceed 80 percent of the costs of establishing and operating the regional hazardous substance research center and related research activities carried out by the grant recipient.

Real property.

"(7) LIMITATION ON USE OF FUNDS.—No funds made available to carry out this subsection shall be used for acquisition of real property (including buildings) or construction of any building.

"(8) ADMINISTRATION THROUGH THE OFFICE OF THE ADMINISTRATOR.—Administrative responsibility for carrying out this subsection shall be in the Office of the Administrator.

"(9) EQUITABLE DISTRIBUTION OF FUNDS.—The Administrator shall allocate funds made available to carry out this subsection equitably among the regions of the United States.

"(10) TECHNOLOGY TRANSFER ACTIVITIES.—Not less than five percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.

"(e) REPORT TO CONGRESS.—At the time of the submission of the annual budget request to Congress, the Administrator shall submit to the appropriate committees of the House of Representatives and the Senate and to the advisory council established under subsection (a), a report on the progress of the research, development, and demonstration program authorized by subsection (b), including an evaluation of each demonstration project completed in the preceding fiscal year, findings with respect to the efficacy of such demonstrated technologies in achieving permanent and significant reductions in risk from hazardous wastes, the costs of such demonstration projects, and the potential applicability of, and projected costs for, such technologies at other hazardous substance sites.

42 USC 6901 note.

"(f) SAVING PROVISION.—Nothing in this section shall be construed to affect the provisions of the Solid Waste Disposal Act.

"(g) SMALL BUSINESS PARTICIPATION.—The Administrator shall ensure, to the maximum extent practicable, an adequate opportunity for small business participation in the program established by subsection (b).".

SEC. 210. POLLUTION LIABILITY INSURANCE.

CERCLA is amended by adding the following new title at the end thereof:

"TITLE IV—POLLUTION INSURANCE

42 USC 9671.

"SEC. 401. DEFINITIONS.

"As used in this title—

"(1) INSURANCE.—The term 'insurance' means primary insurance, excess insurance, reinsurance, surplus lines insurance, and any other arrangement for shifting and distributing risk which is determined to be insurance under applicable State or Federal law.

"(2) POLLUTION LIABILITY.—The term 'pollution liability' means liability for injuries arising from the release of hazardous substances or pollutants or contaminants.

"(3) RISK RETENTION GROUP.—The term 'risk retention group' means any corporation or other limited liability association taxable as a corporation, or as an insurance company, formed under the laws of any State—

"(A) whose primary activity consists of assuming and spreading all, or any portion, of the pollution liability of its group members;

"(B) which is organized for the primary purpose of conducting the activity described under subparagraph (A);

"(C) which is chartered or licensed as an insurance company and authorized to engage in the business of insurance under the laws of any State; and

"(D) which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person.

"(4) PURCHASING GROUP.—The term 'purchasing group' means any group of persons which has as one of its purposes the purchase of pollution liability insurance on a group basis.

"(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

42 USC 9672.

"SEC. 402. STATE LAWS; SCOPE OF TITLE.

"(a) STATE LAWS.—Nothing in this title shall be construed to affect either the tort law or the law governing the interpretation of insurance contracts of any State. The definitions of pollution liability and pollution liability insurance under any State law shall not be applied for the purposes of this title, including recognition or qualification of risk retention groups or purchasing groups.

"(b) SCOPE OF TITLE.—The authority to offer or to provide insurance under this title shall be limited to coverage of pollution liability risks and this title does not authorize a risk retention group or purchasing group to provide coverage of any other line of insurance.

"SEC. 403. RISK RETENTION GROUPS. 42 USC 9673.

"(a) EXEMPTION.—Except as provided in this section, a risk retention group shall be exempt from the following:

"(1) A State law, rule, or order which makes unlawful, or regulates, directly or indirectly, the operation of a risk retention group.

"(2) A State law, rule, or order which requires or permits a risk retention group to participate in any insurance insolvency guaranty association to which an insurer licensed in the State is required to belong.

"(3) A State law, rule, or order which requires any insurance policy issued to a risk retention group or any member of the group to be countersigned by an insurance agent or broker residing in the State.

"(4) A State law, rule, or order which otherwise discriminates against a risk retention group or any of its members.

"(b) EXCEPTIONS.—

"(1) STATE LAWS GENERALLY APPLICABLE.—Nothing in subsection (a) shall be construed to affect the applicability of State laws generally applicable to persons or corporations. The State in which a risk retention group is chartered may regulate the formation and operation of the group.

"(2) STATE REGULATIONS NOT SUBJECT TO EXEMPTION.—Subsection (a) shall not apply to any State law which requires a risk retention group to do any of the following:

"(A) Comply with the unfair claim settlement practices law of the State.

"(B) Pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on admitted insurers and surplus line insurers, brokers, or policyholders under the laws of the State.

"(C) Participate, on a nondiscriminatory basis, in any mechanism established or authorized under the law of the State for the equitable apportionment among insurers of pollution liability insurance losses and expenses incurred on policies written through such mechanism.

"(D) Submit to the appropriate authority reports and other information required of licensed insurers under the laws of a State relating solely to pollution liability insurance losses and expenses.

"(E) Register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process.

"(F) Furnish, upon request, such commissioner a copy of any financial report submitted by the risk retention group to the commissioner of the chartering or licensing jurisdiction.

"(G) Submit to an examination by the State insurance commissioner in any State in which the group is doing business to determine the group's financial condition, if—

"(i) the commissioner has reason to believe the risk retention group is in a financially impaired condition; and

"(ii) the commissioner of the jurisdiction in which the group is chartered has not begun or has refused to initiate an examination of the group.

"(H) Comply with a lawful order issued in a delinquency proceeding commenced by the State insurance commissioner if the commissioner of the jurisdiction in which the group is chartered has failed to initiate such a proceeding after notice of a finding of financial impairment under subparagraph (G).

"(c) APPLICATION OF EXEMPTIONS.—The exemptions specified in subsection (a) apply to—

"(1) pollution liability insurance coverage provided by a risk retention group for—

"(A) such group; or

"(B) any person who is a member of such group;

"(2) the sale of pollution liability insurance coverage for a risk retention group; and

"(3) the provision of insurance related services or management services for a risk retention group or any member of such a group.

State and local governments. Discrimination, prohibition.

"(d) AGENTS OR BROKERS.—A State may require that a person acting, or offering to act, as an agent or broker for a risk retention group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

42 USC 9674.

"SEC. 404. PURCHASING GROUPS.

"(a) EXEMPTION.—Except as provided in this section, a purchasing group is exempt from the following:

"(1) A State law, rule, or order which prohibits the establishment of a purchasing group.

"(2) A State law, rule, or order which makes it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its member, advantages, based on their loss and expense experience, not afforded to other persons with respect to rates, policy forms, coverages, or other matters.

"(3) A State law, rule, or order which prohibits a purchasing group or its members from purchasing insurance on the group basis described in paragraph (2) of this subsection.

"(4) A State law, rule, or order which prohibits a purchasing group from obtaining insurance on a group basis because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time.

"(5) A State law, rule, or order which requires that a purchasing group must have a minimum number of members, common ownership or affiliation, or a certain legal form.

"(6) A State law, rule, or order which requires that a certain percentage of a purchasing group must obtain insurance on a group basis.

"(7) A State law, rule, or order which requires that any insurance policy issued to a purchasing group or any members of the group be countersigned by an insurance agent or broker residing in that State.

"(8) A State law, rule, or order which otherwise discriminate against a purchasing group or any of its members.

"(b) APPLICATION OF EXEMPTIONS.—The exemptions specified in subsection (a) apply to the following:

"(1) Pollution liability insurance, and comprehensive general liability insurance which includes this coverage, provided to—

"(A) a purchasing group; or

"(B) any person who is a member of a purchasing group.

"(2) The sale of any one of the following to a purchasing group or a member of the group:

"(A) Pollution liability insurance and comprehensive general liability coverage.

"(B) Insurance related services.

"(C) Management services.

"(c) Agents or Brokers.—A State may require that a person acting, or offering to act, as an agent or broker for a purchasing group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

State and local governments.
Discrimination, prohibition.

"SEC. 405. APPLICABILITY OF SECURITIES LAWS. 42 USC 9675.

"(a) Ownership Interests.—The ownership interests of members of a risk retention group shall be considered to be—

"(1) exempted securities for purposes of section 5 of the Securities Act of 1933 and for purposes of section 12 of the Securities Exchange Act of 1934; and

15 USC 77e.
15 USC 78*l*.

"(2) securities for purposes of the provisions of section 17 of the Securities Act of 1933 and the provisions of section 10 of the Securities Exchange Act of 1934.

15 USC 77q.
15 USC 78j.

"(b) Investment Company Act.—A risk retention group shall not be considered to be an investment company for purposes of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

"(c) Blue Sky Law.—The ownership interests of members in a risk retention group shall not be considered securities for purposes of any State blue sky law.".

SEC. 211. DEPARTMENT OF DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) In General.—(1) Title 10, United States Code, is amended—

(A) by redesignating section 2701 as section 2721; and

(B) by inserting after chapter 159 the following new chapter:

"CHAPTER 160—ENVIRONMENTAL RESTORATION

"Sec.
"2701. Environmental restoration program.
"2702. Research, development, and demonstration program.
"2703. Environmental restoration transfer account.
"2704. Commonly found unregulated hazardous substances.
"2705. Notice of environmental restoration activities.
"2706. Annual report to Congress.
"2707. Definitions.

"§ 2701. Environmental restoration program 10 USC 2701.

"(a) Environmental Restoration Program.—

"(1) In general.—The Secretary of Defense shall carry out a program of environmental restoration at facilities under the jurisdiction of the Secretary. The program shall be known as the 'Defense Environmental Restoration Program'.

"(2) Application of section 120 of CERCLA.—Activities of the program described in subsection (b)(1) shall be carried out subject to, and in a manner consistent with, section 120 (relating to Federal facilities) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (hereinafter in this chapter referred to as 'CERCLA') (42 U.S.C. 9601 et seq.).

100 STAT. 1720
Ante, p. 1666.

"(3) Consultation with EPA.—The program shall be carried out in consultation with the Administrator of the Environmental Protection Agency.

"(4) Administrative office within OSD.—The Secretary shall identify an office within the Office of the Secretary which shall have responsibility for carrying out the program.

"(b) Program Goals.—Goals of the program shall include the following:

"(1) The identification, investigation, research and development, and cleanup of contamination from hazardous substances, pollutants, and contaminants.

"(2) Correction of other environmental damage (such as detection and disposal of unexploded ordnance) which creates an imminent and substantial endangerment to the public health or welfare or to the environment.

"(3) Demolition and removal of unsafe buildings and structures, including buildings and structures of the Department of Defense at sites formerly used by or under the jurisdiction of the Secretary.

"(c) Responsibility for Response Actions.—

"(1) Basic responsibility.—The Secretary shall carry out (in accordance with the provisions of this chapter and CERCLA) all response actions with respect to releases of hazardous substances from each of the following:

"(A) Each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary.

"(B) Each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances.

"(C) Each vessel owned or operated by the Department of Defense.

"(2) Other responsible parties.—Paragraph (1) shall not apply to a removal or remedial action if the Administrator has provided for response action by a potentially responsible person in accordance with section 122 of CERCLA (relating to settlements).

Waste disposal.

"(3) State fees and charges.—The Secretary shall pay fees and charges imposed by State authorities for permit services for the disposal of hazardous substances on lands which are under the jurisdiction of the Secretary to the same extent that nongovernmental entities are required to pay fees and charges imposed by State authorities for permit services. The preceding sentence shall not apply with respect to a payment that is the responsibility of a lessee, contractor, or other private person.

"(d) Services of Other Agencies.—The Secretary may enter into agreements on a reimbursable basis with any other Federal agency, and on a reimbursable or other basis with any State or local government agency, to obtain the services of that agency to assist the Secretary in carrying out any of the Secretary's responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination possibly resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction.

100 STAT. 1721

"(e) Response Action Contractors.—The provisions of section 119 of CERCLA apply to response action contractors (as defined in that section) who carry out response actions under this section.

10 USC 2702.

"§ 2702. Research, development, and demonstration program

"(a) Program.—As part of the Defense Environmental Restoration Program, the Secretary of Defense shall carry out a program of research, development, and demonstration with respect to hazardous wastes. The program shall be carried out in consultation and cooperation with the Administrator and the advisory council established under section 311(a)(5) of CERCLA. The program shall include research, development, and demonstration with respect to each of the following:

Ante, p. 1708.

"(1) Means of reducing the quantities of hazardous waste generated by activities and facilities under the jurisdiction of the Secretary.

"(2) Methods of treatment, disposal, and management (including recycling and detoxifying) of hazardous waste of the types and quantities generated by current and former activities of the Secretary and facilities currently and formerly under the jurisdiction of the Secretary.

"(3) Identifying more cost-effective technologies for cleanup of hazardous substances.

"(4) Toxicological data collection and methodology on risk of exposure to hazardous waste generated by the Department of Defense.

"(5) The testing, evaluation, and field demonstration of any innovative technology, processes, equipment, or related training devices which may contribute to establishment of new methods to control, contain, and treat hazardous substances, to be carried out in consultation and cooperation with, and to the extent possible in the same manner and standards as, testing, evaluation, and field demonstration carried out by the Administrator, acting through the office of technology demonstration of the Environmental Protection Agency.

"(b) SPECIAL PERMIT.—The Administrator may use the authorities of section 3005(g) of the Solid Waste Disposal Act (42 U.S.C. 6925(g)) to issue a permit for testing and evaluation which receives support under this section.

"(c) CONTRACTS AND GRANTS.—The Secretary may enter into contracts and cooperative agreements with, and make grants to, universities, public and private profit and nonprofit entities, and other persons to carry out the research, development, and demonstration authorized under this section. Such contracts may be entered into only to the extent that appropriated funds are available for that purpose.

"(d) INFORMATION COLLECTION AND DISSEMINATION.—

"(1) IN GENERAL.—The Secretary shall develop, collect, evaluate, and disseminate information related to the use (or potential use) of the treatment, disposal, and management technologies that are researched, developed, and demonstrated under this section.

"(2) ROLE OF EPA.—The functions of the Secretary under paragraph (1) shall be carried out in cooperation and consultation with the Administrator. To the extent appropriate and agreed upon by the Administrator and the Secretary, the Administrator shall evaluate and disseminate such information through the office of technology demonstration of the Environmental Protection Agency.

100 STAT. 1722

"§ 2703. Environmental restoration transfer account

10 USC 2703.

"(a) ESTABLISHMENT OF TRANSFER ACCOUNT.—

"(1) ESTABLISHMENT.—There is hereby established in the Department of Defense an account to be known as the 'Defense Environmental Restoration Account' (hereinafter in this section referred to as the 'transfer account'). All sums appropriated to carry out the functions of the Secretary of Defense relating to environmental restoration under this chapter or any other provision of law shall be appropriated to the transfer account.

"(2) REQUIREMENT OF AUTHORIZATION OF APPROPRIATIONS.—No funds may be appropriated to the transfer account unless such sums have been specifically authorized by law.

"(3) AVAILABILITY OF FUNDS IN TRANSFER ACCOUNT.—Amounts appropriated to the transfer account shall remain available until transferred under subsection (b).

"(b) AUTHORITY TO TRANSFER TO OTHER DOD ACCOUNTS.—Amounts in the transfer account shall be available to be transferred by the Secretary to any appropriation account or fund of the Department for obligation from that account or fund. Funds so transferred shall be merged with and available for the same purposes and for the same period as the account or fund to which transferred.

"(c) OBLIGATION OF TRANSFERRED AMOUNTS.—Funds transferred under subsection (b) may only be obligated or expended from the account or fund to which transferred in order to carry out the functions of the Secretary under this chapter or environmental restoration functions under any other provision of law.

President of U.S.

"(d) BUDGET REPORTS.—In proposing the Budget for any fiscal year pursuant to section 1105 of title 31, the President shall set forth separately the amount requested for environmental restoration programs of the Department of Defense under this chapter or any other Act.

"(e) AMOUNTS RECOVERED UNDER CERCLA.—Amounts recovered under section 107 of CERCLA for response actions of the Secretary shall be credited to the transfer account.

"§ 2704. Commonly found unregulated hazardous substances

"(a) NOTICE TO HHS.—

"(1) IN GENERAL.—The Secretary of Defense shall notify the Secretary of Health and Human Services of the hazardous substances which the Secretary of Defense determines to be the most commonly found unregulated hazardous substances at facilities under the Secretary's jurisdiction. The notification shall be of not less than the 25 most widely used such substances.

"(2) DEFINITION.—In this subsection, the term 'unregulated hazardous substance' means a hazardous substance—

"(A) for which no standard, requirement, criteria, or limitation is in effect under the Toxic Substances Control Act, the Safe Drinking Water Act, the Clean Air Act, or the Clean Water Act; and

15 USC 2601 note, 42 USC 201 note, 42 USC 7401 note, 33 USC 1251 note.

"(B) for which no water quality criteria are in effect under any provision of the Clean Water Act.

100 STAT. 1723

"(b) TOXICOLOGICAL PROFILES.—The Secretary of Health and Human Services shall take such steps as necessary to ensure the timely preparation of toxicological profiles of each of the substances of which the Secretary is notified under subsection (a). The profiles of such substances shall include each of the following:

"(1) The examination, summary, and interpretation of available toxicological information and epidemiologic evaluations on a hazardous substance in order to ascertain the levels of significant human exposure for the substance and the associated acute, subacute, and chronic health effects.

"(2) A determination of whether adequate information on the health effects of each substance is available or in the process of development to determine levels of exposure which present a significant risk to human health of acute, subacute, and chronic health effects.

"(3) Where appropriate, toxicological testing directed toward determining the maximum exposure level of a hazardous substance that is safe for humans.

"(c) DOD SUPPORT.—The Secretary of Defense shall transfer to the Secretary of Health and Human Services such toxicological data, such sums from amounts appropriated to the Department of Defense, and such personnel of the Department of Defense as may be necessary (1) for the preparation of toxicological profiles under subsection (b) or (2) for other health related activities under section 104(i) of CERCLA. The Secretary of Defense and the Secretary of Health and Human Services shall enter into a memorandum of understanding regarding the manner in which this section shall be carried out, including the manner for transferring funds and personnel and for coordination of activities under this section.

Ante, p. 1636.

"(d) EPA HEALTH ADVISORIES.—

"(1) PREPARATION.—At the request of the Secretary of Defense, the Administrator shall, in a timely manner, prepare health advisories on hazardous substances. Such an advisory shall be prepared on each hazardous substance—

"(A) for which no advisory exists;

"(B) which is found to threaten drinking water; and

"(C) which is emanating from a facility under the jurisdiction of the Secretary.

"(2) CONTENT OF HEALTH ADVISORIES.—Such health advisories shall provide specific advice on the levels of contaminants in drinking water at which adverse health effects would not be anticipated and which include a margin of safety so as to protect the most sensitive members of the population at risk. The advisories shall provide data on one-day, 10-day, and longer-term exposure periods where available toxicological data exist.

"(3) DOD SUPPORT FOR HEALTH ADVISORIES.—The Secretary of Defense shall transfer to the Administrator such toxicological data, such sums from amounts appropriated to the Department of Defense, and such personnel of the Department of Defense as may be necessary for the preparation of such health advisories. The Secretary and the Administrator shall enter into a memorandum of understanding regarding the manner in which this subsection shall be carried out, including the manner for transferring funds and personnel and for coordination of activities under this subsection.

Ante, p. 1636.

"(e) CROSS REFERENCE.—Section 104(i) of CERCLA applies to facilities under the jurisdiction of the Secretary of Defense in the manner prescribed in that section.

"(f) FUNCTIONS OF HHS TO BE CARRIED OUT THROUGH ATSDR.—The functions of the Secretary of Health and Human Services under this section shall be carried out through the Administrator of the Agency of Toxic Substances and Disease Registry of the Department of Health and Human Services established under section 104(i) of CERCLA.

"§ 2705. Notice of environmental restoration activities

10 USC 2705.

State and local governments.

"(a) EXPEDITED NOTICE.—The Secretary of Defense shall take such actions as necessary to ensure that the regional offices of the Environmental Protection Agency and appropriate State and local authorities for the State in which a facility under the Secretary's jurisdiction is located receive prompt notice of each of the following:

"(1) The discovery of releases or threatened releases of hazardous substances at the facility.

"(2) The extent of the threat to public health and the environment which may be associated with any such release or threatened release.

"(3) Proposals made by the Secretary to carry out response actions with respect to any such release or threatened release.

"(4) The initiation of any response action with respect to such release or threatened release and the commencement of each distinct phase of such activities.

"(b) COMMENT BY EPA AND STATE AND LOCAL AUTHORITIES.—

"(1) RELEASE NOTICES.—The Secretary shall ensure that the Administrator of the Environmental Protection Agency and appropriate State and local officials have an adequate opportunity to comment on notices under paragraphs (1) and (2) of subsection (a).

"(2) PROPOSALS FOR RESPONSE ACTIONS.—The Secretary shall require that an adequate opportunity for timely review and comment be afforded to the Administrator and to appropriate State and local officials after making a proposal referred to in subsection (a)(3) and before undertaking an activity or action referred to in subsection (a)(4). The preceding sentence does not apply if the action is an emergency removal taken because of imminent and substantial endangerment to human health or the environment and consultation would be impractical.

"(c) TECHNICAL REVIEW COMMITTEE.—Whenever possible and practical, the Secretary shall establish a technical review committee to review and comment on Department of Defense actions and proposed actions with respect to releases or threatened releases of hazardous substances at installations. Members of any such committee shall include at least one representative of the Secretary, the

Administrator, and appropriate State and local authorities and shall include a public representative of the community involved.

"§ 2706. Annual report to Congress

"(a) Report on Progress in Implementation.—The Secretary of Defense shall submit to Congress a report each fiscal year describing the progress made by the Secretary during the preceding fiscal year in implementing the requirements of this chapter.

100 STAT. 1725

"(b) Matters To Be Included.—Each such report shall include the following:

"(1) A statement for each installation under the jurisdiction of the Secretary of the number of individual facilities at which a hazardous substance has been identified.

"(2) The status of response actions contemplated or undertaken at each such facility.

"(3) The specific cost estimates and budgetary proposals involving response actions contemplated or undertaken at each such facility.

"(4) A report on progress on conducting response actions at facilities other than facilities on the National Priorities List.

10 USC 2707.

"§ 2707. Definitions

"In this chapter:

"(1) The terms 'environment', 'facility', 'hazardous substance', 'person', 'release', 'removal', 'response', 'disposal', and 'hazardous waste' have the meanings given those terms in section 101 of CERCLA (42 U.S.C. 9601).

"(2) The term 'Administrator' means the Administrator of the Environmental Protection Agency.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by inserting after the item relating to chapter 159 the following new item:

"160. Environmental Restoration .... 2701".

(3) The table of sections at the beginning of chapter 161 of such title is amended to reflect the redesignation made by paragraph (1)(A).

(b) Military Construction Projects.—(1) Chapter 169 of title 10, United States Code, is amended by inserting at the end of subchapter I the following new section:

10 USC 2810.

"§ 2810. Construction projects for environmental response actions

"(a) Subject to subsection (b), the Secretary of Defense may carry out a military construction project not otherwise authorized by law (or may authorize the Secretary of a military department to carry out such a project) if the Secretary of Defense determines that the project is necessary to carry out a response action under chapter 160 of this title or under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Reports.

"(b)(1) When a decision is made to carry out a military construction project under this section, the Secretary of Defense shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include—

"(A) the justification for the project and the current estimate of the cost of the project; and

"(B) the justification for carrying out the project under this section.

"(2) The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.

"(c) In this section, the term 'response action' has the meaning given that term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end thereof the following new item:

"2810. Construction projects for environmental response actions.".

(c) Effective Date.—Section 2703(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1986.

10 USC 2703 note.

SEC. 212. REPORT AND OVERSIGHT REQUIREMENTS.

Section 301 of CERCLA is amended by adding at the end thereof the following new subsection:

Ante, p. 1707. 42 USC 9651.

"(h) Report and Oversight Requirements.—

"(1) Annual report by epa.—On January 1 of each year the Administrator of the Environmental Protection Agency shall submit an annual report to Congress of such Agency on the progress achieved in implementing this Act during the preceding fiscal year. In addition such report shall specifically include each of the following:

"(A) A detailed description of each feasibility study carried out at a facility under title I of this Act.

"(B) The status and estimated date of completion of each such study.

"(C) Notice of each such study which will not meet a previously published schedule for completion and the new estimated date for completion.

"(D) An evaluation of newly developed feasible and achievable permanent treatment technologies.

"(E) Progress made in reducing the number of facilities subject to review under section 121(c).

"(F) A report on the status of all remedial and enforcement actions undertaken during the prior fiscal year, including a comparison to remedial and enforcement actions undertaken in prior fiscal years.

"(G) An estimate of the amount of resources, including the number of work years or personnel, which would be necessary for each department, agency, or instrumentality which is carrying out any activities of this Act to complete the implementation of all duties vested in the department, agency, or instrumentality under this Act.

"(2) Review by inspector general.—Consistent with the authorities of the Inspector General Act of 1978 the Inspector General of the Environmental Protection Agency shall review any report submitted under paragraph (1) related to EPA's activities for reasonableness and accuracy and submit to Congress, as a part of such report a report on the results of such review.

5 USC app.

"(3) Congressional oversight.—After receiving the reports under paragraphs (1) and (2) of this subsection in any calendar year, the appropriate authorizing committees of Congress shall conduct oversight hearings to ensure that this Act is being implemented according to the purposes of this Act and congressional intent in enacting this Act.".

SEC. 213. LOVE CANAL PROPERTY ACQUISITION.

(a) Congressional Findings.—

42 USC 9661 note.

New York.

(1) The area known as Love Canal located in the city of Niagara Falls and the town of Wheatfield, New York, was the first toxic waste site to receive national attention. As a result of that attention Congress investigated the problems associated with toxic waste sites and enacted CERCLA to deal with these problems.

(2) Because Love Canal came to the Nation's attention prior to the passage of CERCLA and because the fund under CERCLA

was not available to compensate for all of the hardships endured by the citizens in the area, Congress has determined that special provisions are required. These provisions do not affect the lawfulness, implementation, or selection of any other response actions at Love Canal or at any other facilities.

(b) Amendment of Superfund.—Title III of CERCLA is amended by adding the following new section at the end thereof:

New York.
42 USC 9661.
Grants.

"SEC. 312. LOVE CANAL PROPERTY ACQUISITION.

"(a) Acquisition of Property in Emergency Declaration Area.—The Administrator of the Environmental Protection Agency (hereinafter referred to as the 'Administrator') may make grants not to exceed $2,500,000 to the State of New York (or to any duly constituted public agency or authority thereof) for purposes of acquisition of private property in the Love Canal Emergency Declaration Area. Such acquisition shall include (but shall not be limited to) all private property within the Emergency Declaration Area, including non-owner occupied residential properties, commercial, industrial, public, religious, non-profit, and vacant properties.

"(b) Procedures for Acquisition.—No property shall be acquired pursuant to this section unless the property owner voluntarily agrees to such acquisition. Compensation for any property acquired pursuant to this section shall be based upon the fair market value of the property as it existed prior to the emergency declaration. Valuation procedures for property acquired with funds provided under this section shall be in accordance with those set forth in the agreement entered into between the New York State Disaster Preparedness Commission and the Love Canal Revitalization Agency on October 9, 1980.

Contracts.

"(c) State Ownership.—The Administrator shall not provide any funds under this section for the acquisition of any properties pursuant to this section unless a public agency or authority of the State of New York first enters into a cooperative agreement with the Administrator providing assurances deemed adequate by the Administrator that the State or an agency created under the laws of the State shall take title to the properties to be so acquired.

Contracts.

"(d) Maintenance of Property.—The Administrator shall enter into a cooperative agreement with an appropriate public agency or authority of the State of New York under which the Administrator shall maintain or arrange for the maintenance of all properties within the Emergency Declaration Area that have been acquired by any public agency or authority of the State. Ninety (90) percent of the costs of such maintenance shall be paid by the Administrator. The remaining portion of such costs shall be paid by the State (unless a credit is available under section 104(c)). The Administrator is authorized, in his discretion, to provide technical assistance to any public agency or authority of the State of New York in order to implement the recommendations of the habitability and land-use study in order to put the land within the Emergency Declaration Area to its best use.

Ante, p. 1619.

100 STAT. 1728

"(e) Habitability and Land Use Study.—The Administrator shall conduct or cause to be conducted a habitability and land-use study. The study shall—

"(1) assess the risks associated with inhabiting of the Love Canal Emergency Declaration Area;

"(2) compare the level of hazardous waste contamination in that Area to that present in other comparable communities; and

"(3) assess the potential uses of the land within the Emergency Declaration Area, including but not limited to residential, industrial, commercial and recreational, and the risks associated with such potential uses.

The Administrator shall publish the findings of such study and shall work with the State of New York to develop recommendations based upon the results of such study.

"(f) Funding.—For purposes of section 111 **[and 221(c) of this Act]**, the expenditures authorized by this section shall be treated as a cost specified in section 111(c).

Ante, pp. 1642, 1706, 1696.

"(g) Response.—The provisions of this section shall not affect the implementation of other response actions within the Emergency Declaration Area that the Administrator has determined (before enactment of this section) to be necessary to protect the public health or welfare or the environment.

"(h) Definitions.—For purposes of this section:

"(1) Emergency declaration area.—The terms 'Emergency Declaration Area' and 'Love Canal Emergency Declaration Area' mean the Emergency Declaration Area as defined in section 950, paragraph (2) of the General Municipal Law of the State of New York, Chapter 259, Laws of 1980, as in effect on the date of the enactment of this section.

"(2) Private property.—As used in subsection (a), the term 'private property' means all property which is not owned by a department, agency, or instrumentality of—

"(A) the United States, or

"(B) the State of New York (or any public agency or authority thereof).".

TITLE III—EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

Emergency Planning and Community Right-To-Know Act of 1986.
42 USC 11001 note.

SEC. 300. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Emergency Planning and Community Right-To-Know Act of 1986".

(b) Table of Contents.—The table of contents of this title is as follows:

Sec 300. Short title; table of contents.

Subtitle A—Emergency Planning and Notification

Sec. 301. Establishment of State commissions, planning districts, and local committees.
Sec. 302. Substances and facilities covered and notification.
Sec. 303. Comprehensive emergency response plans.
Sec. 304. Emergency notification.
Sec. 305. Emergency training and review of emergency systems.

Subtitle B—Reporting Requirements

Sec. 311. Material safety data sheets.
Sec. 312. Emergency and hazardous chemical inventory forms.
Sec. 313. Toxic chemical release forms.

Subtitle C—General Provisions

Sec. 321. Relationship to other law.
Sec. 322. Trade secrets.
Sec. 323. Provision of information to health professionals, doctors, and nurses.
Sec. 324. Public availability of plans, data sheets, forms, and followup notices.
Sec. 325. Enforcement.
Sec. 326. Civil Actions.
Sec. 327. Exemption.
Sec. 328. Regulations.
Sec. 329. Definitions.
Sec. 330. Authorization of appropriations.

100 STAT. 1729

Subtitle A—Emergency Planning and Notification

SEC. 301. ESTABLISHMENT OF STATE COMMISSIONS, PLANNING DISTRICTS, AND LOCAL COMMITTEES.

42 USC 11001.

(a) Establishment of State Emergency Response Commissions.—Not later than six months after the date of the enactment of this title, the Governor of each State shall appoint a State emergency response commission. The Governor may designate as the State emergency response commission one or more existing emergency response organizations that are State-sponsored or appointed. The Governor shall, to the extent practicable, appoint persons to the State emergency response commission who have technical expertise in the emergency response field. The State emergency response commission shall appoint local emergency planning committees under subsection (c) and shall supervise and coordinate the activities of such committees. The State emergency response commission shall establish procedures for receiving and processing requests from the public for information under section 324, including tier II information under section 312. Such procedures shall include the designation of an official to serve as coordinator for information. If the Governor of any State does not designate a State emergency response commission within such period, the Governor shall operate as the State emergency response commission until the Governor makes such designation.

(b) Establishment of Emergency Planning Districts.—Not later than nine months after the date of the enactment of this title, the State emergency response commission shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the State emergency response commission may designate existing political subdivisions or multijurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the State emergency response commissions of all potentially affected States may designate emergency planning districts and local emergency planning committees by agreement. In making such designation, the State emergency response commission shall indicate which facilities subject to the requirements of this subtitle are within such emergency planning district.

(c) Establishment of Local Emergency Planning Committees.—Not later than 30 days after designation of emergency planning districts or 10 months after the date of the enactment of this title, whichever is earlier, the State emergency response commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subtitle. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. The local emergency planning committee shall establish procedures for receiving and processing requests from the public for information under section 324, including tier II information under section 312. Such procedures shall include the designation of an official to serve as coordinator for information.

100 STAT. 1730

(d) Revisions.—A State emergency response commission may revise its designations and appointments under subsections (b) and (c) as it deems appropriate. Interested persons may petition the State emergency response commission to modify the membership of a local emergency planning committee.

42 USC 11002.

SEC. 302. SUBSTANCES AND FACILITIES COVERED AND NOTIFICATION.

(a) Substances Covered.—

(1) In general.—A substance is subject to the requirements of this subtitle if the substance is on the list published under paragraph (2).

(2) List of extremely hazardous substances.—Within 30 days after the date of the enactment of this title, the Administrator shall publish a list of extremely hazardous substances. The list shall be the same as the list of substances published in November 1985 by the Administrator in Appendix A of the

"Chemical Emergency Preparedness Program Interim Guidance".

Regulations.

(3) THRESHOLDS.—(A) At the time the list referred to in paragraph (2) is published the Administrator shall—

(i) publish an interim final regulation establishing a threshold planning quantity for each substance on the list, taking into account the criteria described in paragraph (4), and

(ii) initiate a rulemaking in order to publish final regulations establishing a threshold planning quantity for each substance on the list.

(B) The threshold planning quantities may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(C) If the Administrator fails to publish an interim final regulation establishing a threshold planning quantity for a substance within 30 days after the date of the enactment of this title, the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.

(4) REVISIONS.—The Administrator may revise the list and thresholds under paragraphs (2) and (3) from time to time. Any revisions to the list shall take into account the toxicity, reactivity, volatility, dispersability, combustability, or flammability of a substance. For purposes of the preceding sentence, the term "toxicity" shall include any short- or long-term health effect which may result from a short-term exposure to the substance.

100 STAT. 1731

(b) FACILITIES COVERED.—(1) Except as provided in section 304, a facility is subject to the requirements of this subtitle if a substance on the list referred to in subsection (a) is present at the facility in an amount in excess of the threshold planning quantity established for such substance.

(2) For purposes of emergency planning, a Governor or a State emergency response commission may designate additional facilities which shall be subject to the requirements of this subtitle, if such designation is made after public notice and opportunity for comment. The Governor or State emergency response commission shall notify the facility concerned of any facility designation under this paragraph.

(c) EMERGENCY PLANNING NOTIFICATION.—Not later than seven months after the date of the enactment of this title, the owner or operator of each facility subject to the requirements of this subtitle by reason of subsection (b)(1) shall notify the State emergency response commission for the State in which such facility is located that such facility is subject to the requirements of this subtitle. Thereafter, if a substance on the list of extremely hazardous substances referred to in subsection (a) first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the State emergency response commission and the local emergency planning committee within 60 days after such acquisition or revision that such facility is subject to the requirements of this subtitle.

(d) NOTIFICATION OF ADMINISTRATOR.—The State emergency response commission shall notify the Administrator of facilities subject to the requirements of this subtitle by notifying the Administrator of—

(1) each notification received from a facility under subsection (c), and

(2) each facility designated by the Governor or State emergency response commission under subsection (b)(2).

42 USC 11003.

SEC. 303. COMPREHENSIVE EMERGENCY RESPONSE PLANS.

(a) Plan Required.—Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after the date of the enactment of this title. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.

(b) Resources.—Each local emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

(c) Plan Provisions.—Each emergency plan shall include (but is not limited to) each of the following:

(1) Identification of facilities subject to the requirements of this subtitle that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances 100 STAT. 1732 referred to in section 302(a), and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subtitle, such as hospitals or natural gas facilities.

(2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

(3) Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.

(4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 304).

(5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.

(6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subtitle, and an identification of the persons responsible for such equipment and facilities.

(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.

(8) Training programs, including schedules for training of local emergency response and medical personnel.

(9) Methods and schedules for exercising the emergency plan.

(d) Providing of Information.—For each facility subject to the requirements of this subtitle:

(1) Within 30 days after establishment of a local emergency planning committee for the emergency planning district in which such facility is located, or within 11 months after the date of the enactment of this title, whichever is earlier, the owner or operator of the facility shall notify the emergency planning committee (or the Governor if there is no committee) of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.

(2) The owner or operator of the facility shall promptly inform the emergency planning committee of any relevant changes occurring at such facility as such changes occur or are expected to occur.

(3) Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan.

(e) Review by the State Emergency Response Commission.—After completion of an emergency plan under subsection (a) for an emergency planning district, the local emergency planning committee shall submit a copy of the plan to the State emergency response commission of each State in which such district is located. The commission shall review the plan and make recommendations to the committee on revisions of the plan that may be necessary to ensure coordination of such plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, such review shall not delay implementation of such plan.

(f) GUIDANCE DOCUMENTS.—The national response team, as established pursuant to the National Contingency Plan as established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than five months after the date of the enactment of this title.

100 STAT. 1733

42 USC 9605.

(g) REVIEW OF PLANS BY REGIONAL RESPONSE TEAMS.—The regional response teams, as established pursuant to the National Contingency Plan as established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), may review and comment upon an emergency plan or other issues related to preparation, implementation, or exercise of such a plan upon request of a local emergency planning committee. Such review shall not delay implementation of the plan.

42 USC 9605.

SEC. 304. EMERGENCY NOTIFICATION.

42 USC 11004.

(a) TYPES OF RELEASES.—

(1) 302(a) SUBSTANCE WHICH REQUIRES CERCLA NOTICE.—If a release of an extremely hazardous substance referred to in section 302(a) occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires a notification under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (hereafter in this section referred to as "CERCLA") (42 U.S.C. 9601 et seq.), the owner or operator of the facility shall immediately provide notice as described in subsection (b).

Ante, p. 1730.

42 USC 9603.

(2) OTHER 302(a) SUBSTANCE.—If a release of an extremely hazardous substance referred to in section 302(a) occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release is not subject to the notification requirements under section 103(a) of CERCLA, the owner or operator of the facility shall immediately provide notice as described in subsection (b), but only if the release—

(A) is not a federally permitted release as defined in section 101(10) of CERCLA,

(B) is in an amount in excess of a quantity which the Administrator has determined (by regulation) requires notice, and

(C) occurs in a manner which would require notification under section 103(a) of CERCLA.

Unless and until superseded by regulations establishing a quantity for an extremely hazardous substance described in this paragraph, a quantity of 1 pound shall be deemed that quantity the release of which requires notice as described in subsection (b).

(3) NON-302(a) SUBSTANCE WHICH REQUIRES CERCLA NOTICE.—If a release of a substance which is not on the list referred to in section 302(a) occurs at a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under section 103(a) of CERCLA, the owner or operator shall provide notice as follows:

(A) If the substance is one for which a reportable quantity has been established under section 102(a) of CERCLA, the owner or operator shall provide notice as described in subsection (b).

Ante, p. 1617.

(B) If the substance is one for which a reportable quantity has not been established under section 102(a) of CERCLA—

100 STAT. 1734

(i) Until April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the same notice to the community emergency coordinator for the local emergency planning committee, at the same time and in the same form, as notice is provided to the National Response Center under section 103(a) of CERCLA.

42 USC 9603.

(ii) On and after April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the notice as described in subsection (b).

(4) Exempted releases.—This section does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located.

(b) Notification.—

(1) Recipients of notice.—Notice required under subsection (a) shall be given immediately after the release by the owner or operator of a facility (by such means as telephone, radio, or in person) to the community emergency coordinator for the local emergency planning committees, if established pursuant to section 301(c), for any area likely to be affected by the release and to the State emergency planning commission of any State likely to be affected by the release. With respect to transportation of a substance subject to the requirements of this section, or storage incident to such transportation, the notice requirements of this section with respect to a release shall be satisfied by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator.

Ante, p. 1729.

(2) Contents.—Notice required under subsection (a) shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

(A) The chemical name or identity of any substance involved in the release.

(B) An indication of whether the substance is on the list referred to in section 302(a).

(C) An estimate of the quantity of any such substance that was released into the environment.

(D) The time and duration of the release.

(E) The medium or media into which the release occurred.

(F) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(G) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan).

(H) The name and telephone number of the person or persons to be contacted for further information.

(c) Followup Emergency Notice.—As soon as practicable after a release which requires notice under subsection (a), such owner or operator shall provide a written followup emergency notice (or notices, as more information becomes available) setting forth and updating the information required under subsection (b), and including additional information with respect to—

100 STAT. 1735

(1) actions taken to respond to and contain the release,

(2) any known or anticipated acute or chronic health risks associated with the release, and

(3) where appropriate, advice regarding medical attention necessary for exposed individuals.

(d) Transportation Exemption Not Applicable.—The exemption provided in section 327 (relating to transportation) does not apply to this section.

Post, p. 1757.

SEC. 305. EMERGENCY TRAINING AND REVIEW OF EMERGENCY SYSTEMS. 42 USC 11005.

(a) EMERGENCY TRAINING.—

(1) PROGRAMS.—Officials of the United States Government carrying out existing Federal programs for emergency training are authorized to specifically provide training and education programs for Federal, State, and local personnel in hazard mitigation, emergency preparedness, fire prevention and control, disaster response, long-term disaster recovery, national security, technological and natural hazards, and emergency processes. Such programs shall provide special emphasis for such training and education with respect to hazardous chemicals.

Appropriation authorization. Grants.

(2) STATE AND LOCAL PROGRAM SUPPORT.—There is authorized to be appropriated to the Federal Emergency Management Agency for each of the fiscal years 1987, 1988, 1989, and 1990, $5,000,000 for making grants to support programs of State and local governments, and to support university-sponsored programs, which are designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies associated with hazardous chemicals. Such grants may not exceed 80 percent of the cost of any such program. The remaining 20 percent of such costs shall be funded from non-Federal sources.

(3) OTHER PROGRAMS.—Nothing in this section shall affect the availability of appropriations to the Federal Emergency Management Agency for any programs carried out by such agency other than the programs referred to in paragraph (2).

(b) REVIEW OF EMERGENCY SYSTEMS.—

(1) REVIEW.—The Administrator shall initiate, not later than 30 days after the date of the enactment of this title, a review of emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances at representative domestic facilities that produce, use, or store extremely hazardous substances. The Administrator may select representative extremely hazardous substances from the substances on the list referred to in section 302(a) for the purposes of this review. The Administrator shall report interim findings to the Congress not later than seven months after such date of enactment, and issue a final report of findings and recommendations to the Congress not later than 18 months after such date of enactment. Such report shall be prepared in consultation with the States and appropriate Federal agencies.

Reports.

(2) REPORT.—The report required by this subsection shall include the Administrator's findings regarding each of the following:

(A) The status of current technological capabilities to (i) monitor, detect, and prevent, in a timely manner, significant releases of extremely hazardous substances, (ii) determine the magnitude and direction of the hazard posed by each release, (iii) identify specific substances, (iv) provide data on the specific chemical composition of such releases, and (v) determine the relative concentrations of the constituent substances.

100 STAT. 1736

(B) The status of public emergency alert devices or systems for providing timely and effective public warning of an accidental release of extremely hazardous substances into the environment, including releases into the atmosphere, surface water, or groundwater from facilities that produce, store, or use significant quantities of such extremely hazardous substances.

(C) The technical and economic feasibility of establishing, maintaining, and operating perimeter alert systems for detecting releases of such extremely hazardous substances into the atmosphere, surface water, or groundwater, at facilities that manufacture, use, or store significant quantities of such substances.

Reports.

(3) Recommendations.—The report required by this subsection shall also include the Administrator's recommendations for—

(A) initiatives to support the development of new or improved technologies or systems that would facilitate the timely monitoring, detection, and prevention of releases of extremely hazardous substances, and

(B) improving devices or systems for effectively alerting the public in a timely manner, in the event of an accidental release of such extremely hazardous substances.

Subtitle B—Reporting Requirements

42 USC 11021.

SEC. 311. MATERIAL SAFETY DATA SHEETS.

(a) Basic Requirement.—

(1) Submission of msds or list.—The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act (15 U.S.C. 651 et seq.) shall submit a material safety data sheet for each such chemical, or a list of such chemicals as described in paragraph (2), to each of the following:

29 USC 651 note.

(A) The appropriate local emergency planning committee.

(B) The State emergency response commission.

(C) The fire department with jurisdiction over the facility.

(2) Contents of list.—(A) The list of chemicals referred to in paragraph (1) shall include each of the following:

Regulations.

(i) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act, grouped in categories of health and physical hazards as set forth under such Act and regulations promulgated under such Act, or in such other categories as the Administrator may prescribe under subparagraph (B).

(ii) The chemical name or the common name of each such chemical as provided on the material safety data sheet.

100 STAT. 1737

(iii) Any hazardous component of each such chemical as provided on the material safety data sheet.

Reports.

(B) For purposes of the list under this paragraph, the Administrator may modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

29 USC 651 note.

(3) Treatment of mixtures.—An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

(A) Submitting a material safety data sheet for, or identifying on a list, each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one material safety data sheet, or one listing, of the element or compound is necessary.

(B) Submitting a material safety data sheet for, or identifying on a list, the mixture itself.

(b) Thresholds.—The Administrator may establish threshold quantities for hazardous chemicals below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(c) Availability of MSDS on Request.—

(1) To local emergency planning committee.—If an owner or operator of a facility submits a list of chemicals under subsection (a)(1), the owner or operator, upon request by the local emergency planning committee, shall submit the material safety data sheet for any chemical on the list to such committee.

(2) To public.—A local emergency planning committee, upon request by any person, shall make available a material safety data sheet to the person in accordance with section 324. If the local emergency planning committee does not have the requested material safety data sheet, the committee shall request the sheet from the facility owner or operator and then make the sheet available to the person in accordance with section 324.

(d) Initial Submission and Updating.—(1) The initial material safety data sheet or list required under this section with respect to a hazardous chemical shall be provided before the later of—

(A) 12 months after the date of the enactment of this title, or

(B) 3 months after the owner or operator of a facility is required to prepare or have available a material safety data sheet for the chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act. 29 USC 651 note.

(2) Within 3 months following discovery by an owner or operator of significant new information concerning an aspect of a hazardous chemical for which a material safety data sheet was previously submitted to the local emergency planning committee under subsection (a), a revised sheet shall be provided to such person.

(e) Hazardous Chemical Defined.—For purposes of this section, the term "hazardous chemical" has the meaning given such term by section 1910.1200(c) of title 29 of the Code of Federal Regulations, except that such term does not include the following:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

100 STAT. 1738

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.

(4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

SEC. 312. EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS.

42 USC 11022.

(a) Basic Requirement.—(1) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this title referred to as an "inventory form") to each of the following:

29 USC 651 note.

(A) The appropriate local emergency planning committee.

(B) The State emergency response commission.

(C) The fire department with jurisdiction over the facility.

(2) The inventory form containing tier I information (as described in subsection (d)(1)) shall be submitted on or before March 1, 1988, and annually thereafter on March 1, and shall contain data with respect to the preceding calendar year. The preceding sentence does not apply if an owner or operator provides, by the same deadline and with respect to the same calendar year, tier II information (as described in subsection (d)(2)) to the recipients described in paragraph (1).

(3) An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

(A) Providing information on the inventory form on each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one listing on the inventory form for the element or compound at the facility is necessary.

(B) Providing information on the inventory form on the mixture itself.

(b) THRESHOLDS.—The Administrator may establish threshold quantities for hazardous chemicals covered by this section below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(c) HAZARDOUS CHEMICALS COVERED.—A hazardous chemical subject to the requirements of this section is any hazardous chemical for which a material safety data sheet or a listing is required under section 311.

(d) CONTENTS OF FORM.—

(1) TIER I INFORMATION.—

29 USC 651 note.

(A) AGGREGATE INFORMATION BY CATEGORY.—An inventory form shall provide the information described in subparagraph (B) in aggregate terms for hazardous chemicals in categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act.

(B) REQUIRED INFORMATION.—The information referred to in subparagraph (A) is the following:

(i) An estimate (in ranges) of the maximum amount of hazardous chemicals in each category present at the facility at any time during the preceding calendar year.

(ii) An estimate (in ranges) of the average daily amount of hazardous chemicals in each category present at the facility during the preceding calendar year.

(iii) The general location of hazardous chemicals in each category.

(C) MODIFICATIONS.—For purposes of reporting information under this paragraph, the Administrator may—

Regulations.

(i) modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency, or

(ii) require reporting on individual hazardous chemicals of special concern to emergency response personnel.

(2) TIER II INFORMATION.—An inventory form shall provide the following additional information for each hazardous chemical present at the facility, but only upon request and in accordance with subsection (e):

(A) The chemical name or the common name of the chemical as provided on the material safety data sheet.

(B) An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the preceding calendar year.

(C) An estimate (in ranges) of the average daily amount of the hazardous chemical present at the facility during the preceding calendar year.

(D) A brief description of the manner of storage of the hazardous chemical.

(E) The location at the facility of the hazardous chemical.

(F) An indication of whether the owner elects to withhold location information of a specific hazardous chemical from disclosure to the public under section 324.

(e) AVAILABILITY OF TIER II INFORMATION.—

(1) AVAILABILITY TO STATE COMMISSIONS, LOCAL COMMITTEES, AND FIRE DEPARTMENTS.—Upon request by a State emergency planning commission, a local emergency planning committee, or a fire department with jurisdiction over the facility, the owner or operator of a facility shall provide tier II information, as described in subsection (d), to the person making the request. Any such request shall be with respect to a specific facility.

(2) AVAILABILITY TO OTHER STATE AND LOCAL OFFICIALS.—A State or local official acting in his or her official capacity may have access to tier II information by submitting a request to the State emergency response commission or the local emergency planning committee. Upon receipt of a request for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the official.

100 STAT. 1740

(3) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Any person may request a State emergency response commission or local emergency planning committee for tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.

(B) AUTOMATIC PROVISION OF INFORMATION TO PUBLIC.—Any tier II information which a State emergency response commission or local emergency planning committee has in its possession shall be made available to a person making a request under this paragraph in accordance with section 324. If the State emergency response commission or local emergency planning committee does not have the tier II information in its possession, upon a request for tier II information the State emergency response commission or local emergency planning committee shall, pursuant to paragraph (1), request the facility owner or operator for tier II information with respect to a hazardous chemical which a facility has stored in an amount in excess of 10,000 pounds present at the facility at any time during the preceding calendar year and make such information available in accordance with section 324 to the person making the request.

(C) DISCRETIONARY PROVISION OF INFORMATION TO PUBLIC.—In the case of tier II information which is not in the possession of a State emergency response commission or local emergency planning committee and which is with respect to a hazardous chemical which a facility has stored in an amount less than 10,000 pounds present at the facility at any time during the preceding calendar year, a request from a person must include the general need for the information. The State emergency response commission or local emergency planning committee may, pursuant to paragraph (1), request the facility owner or operator for the tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of such person, the State emergency response commission or local emergency planning committee shall make the information available in accordance with section 324 to the person.

(D) RESPONSE IN 45 DAYS.—A State emergency response commission or local emergency planning committee shall respond to a request for tier II information under this paragraph no later than 45 days after the date of receipt of the request.

(f) Fire Department Access.—Upon request to an owner or operator of a facility which files an inventory form under this section by the fire department with jurisdiction over the facility, the owner or operator of the facility shall allow the fire department to conduct an on-site inspection of the facility and shall provide to the fire department specific location information on hazardous chemicals at the facility.

100 STAT. 1741

(g) Format of Forms.—The Administrator shall publish a uniform format for inventory forms within three months after the date of the enactment of this title. If the Administrator does not publish such forms, owners and operators of facilities subject to the requirements of this section shall provide the information required under this section by letter.

42 USC 11023.

SEC. 313. TOXIC CHEMICAL RELEASE FORMS.

(a) Basic Requirement.—The owner or operator of a facility subject to the requirements of this section shall complete a toxic chemical release form as published under subsection (g) for each toxic chemical listed under subsection (c) that was manufactured, processed, or otherwise used in quantities exceeding the toxic chemical threshold quantity established by subsection (f) during the preceding calendar year at such facility. Such form shall be submitted to the Administrator and to an official or officials of the State designated by the Governor on or before July 1, 1988, and annually thereafter on July 1 and shall contain data reflecting releases during the preceding calendar year.

(b) Covered Owners and Operators of Facilities.—

(1) In general.—(A) The requirements of this section shall apply to owners and operators of facilities that have 10 or more full-time employees and that are in Standard Industrial Classification Codes 20 through 39 (as in effect on July 1, 1985) and that manufactured, processed, or otherwise used a toxic chemical listed under subsection (c) in excess of the quantity of that toxic chemical established under subsection (f) during the calendar year for which a release form is required under this section.

(B) The Administrator may add or delete Standard Industrial Classification Codes for purposes of subparagraph (A), but only to the extent necessary to provide that each Standard Industrial Code to which this section applies is relevant to the purposes of this section.

(C) For purposes of this section—

(i) The term "manufacture" means to produce, prepare, import, or compound a toxic chemical.

(ii) The term "process" means the preparation of a toxic chemical, after its manufacture, for distribution in commerce—

(I) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such chemical, or

(II) as part of an article containing the toxic chemical.

(2) Discretionary application to additional facilities.—The Administrator, on his own motion or at the request of a Governor of a State (with regard to facilities located in that State), may apply the requirements of this section to the owners and operators of any particular facility that manufactures, processes, or otherwise uses a toxic chemical listed under subsection (c) if the Administrator determines that such action is warranted on the basis of toxicity of the toxic chemical, proximity to other facilities that release the toxic chemical or to population centers, the history of releases of such chemical at

such facility, or such other factors as the Administrator deems appropriate.

(c) TOXIC CHEMICALS COVERED.—The toxic chemicals subject to the requirements of this section are those chemicals on the list in Committee Print Number 99-169 of the Senate Committee on Environment and Public Works, titled "Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986" (including any revised version of the list as may be made pursuant to subsection (d) or (e)).

(d) REVISIONS BY ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator may by rule add or delete a chemical from the list described in subsection (c) at any time.

(2) ADDITIONS.—A chemical may be added if the Administrator determines, in his judgment, that there is sufficient evidence to establish any one of the following:

(A) The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

(B) The chemical is known to cause or can reasonably be anticipated to cause in humans—

(i) cancer or teratogenic effects, or

(ii) serious or irreversible—

(I) reproductive dysfunctions,

(II) neurological disorders,

(III) heritable genetic mutations, or

(IV) other chronic health effects.

(C) The chemical is known to cause or can reasonably be anticipated to cause, because of—

(i) its toxicity,

(ii) its toxicity and persistence in the environment, or

(iii) its toxicity and tendency to bioaccumulate in the environment,

a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section. The number of chemicals included on the list described in subsection (c) on the basis of the preceding sentence may constitute in the aggregate no more than 25 percent of the total number of chemicals on the list.

A determination under this paragraph shall be based on generally accepted scientific principles or laboratory tests, or appropriately designed and conducted epidemiological or other population studies, available to the Administrator.

Science and technology. Research and development.

(3) DELETIONS.—A chemical may be deleted if the Administrator determines there is not sufficient evidence to establish any of the criteria described in paragraph (2).

(4) EFFECTIVE DATE.—Any revision made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any revision made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year.

100 STAT. 1743

(e) PETITIONS.—

(1) IN GENERAL.—Any person may petition the Administrator to add or delete a chemical from the list described in subsection (c) on the basis of the criteria in subparagraph (A) or (B) of subsection (d)(2). Within 180 days after receipt of a petition, the Administrator shall take one of the following actions:

(A) Initiate a rulemaking to add or delete the chemical to the list, in accordance with subsection (d)(2) or (d)(3).

(B) Publish an explanation of why the petition is denied.

(2) GOVERNOR PETITIONS.—A State Governor may petition the Administrator to add or delete a chemical from the list described in subsection (c) on the basis of the criteria in subparagraph (A), (B), or (C) of subsection (d)(2). In the case of such a petition from a State Governor to delete a chemical, the petition shall be treated in the same manner as a petition received under paragraph (1) to delete a chemical. In the case of such a petition from a State Governor to add a chemical, the chemical will be added to the list within 180 days after receipt of the petition, unless the Administrator—

(A) initiates a rulemaking to add the chemical to the list, in accordance with subsection (d)(2), or

(B) publishes an explanation of why the Administrator believes the petition does not meet the requirements of subsection (d)(2) for adding a chemical to the list.

(f) THRESHOLD FOR REPORTING.—

(1) TOXIC CHEMICAL THRESHOLD AMOUNT.—The threshold amounts for purposes of reporting toxic chemicals under this section are as follows:

(A) With respect to a toxic chemical used at a facility, 10,000 pounds of the toxic chemical per year.

(B) With respect to a toxic chemical manufactured or processed at a facility—

(i) For the toxic chemical release form required to be submitted under this section on or before July 1, 1988, 75,000 pounds of the toxic chemical per year.

(ii) For the form required to be submitted on or before July 1, 1989, 50,000 pounds of the toxic chemical per year.

(iii) For the form required to be submitted on or before July 1, 1990, and for each form thereafter, 25,000 pounds of the toxic chemical per year.

(2) REVISIONS.—The Administrator may establish a threshold amount for a toxic chemical different from the amount established by paragraph (1). Such revised threshold shall obtain reporting on a substantial majority of total releases of the chemical at all facilities subject to the requirements of this section. The amounts established under this paragraph may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

Public information.

(g) FORM.—

(1) INFORMATION REQUIRED.—Not later than June 1, 1987, the Administrator shall publish a uniform toxic chemical release form for facilities covered by this section. If the Administrator does not publish such a form, owners and operators of facilities subject to the requirements of this section shall provide the information required under this subsection by letter postmarked on or before the date on which the form is due. Such form shall—

100 STAT. 1744

(A) provide for the name and location of, and principal business activities at, the facility;

(B) include an appropriate certification, signed by a senior official with management responsibility for the person or persons completing the report, regarding the accuracy and completeness of the report; and

(C) provide for submission of each of the following items of information for each listed toxic chemical known to be present at the facility:

(i) Whether the toxic chemical at the facility is manufactured, processed, or otherwise used, and the general category or categories of use of the chemical.

(ii) An estimate of the maximum amounts (in ranges) of the toxic chemical present at the facility at any time during the preceding calendar year.

(iii) For each wastestream, the waste treatment or disposal methods employed, and an estimate of the treatment efficiency typically achieved by such methods for that wastestream.

(iv) The annual quantity of the toxic chemical entering each environmental medium.

(2) Use of available data.—In order to provide the information required under this section, the owner or operator of a facility may use readily available data (including monitoring data) collected pursuant to other provisions of law, or, where such data are not readily available, reasonable estimates of the amounts involved. Nothing in this section requires the monitoring or measurement of the quantities, concentration, or frequency of any toxic chemical released into the environment beyond that monitoring and measurement required under other provisions of law or regulation. In order to assure consistency, the Administrator shall require that data be expressed in common units.

Public information.

(h) Use of Release Form.—The release forms required under this section are intended to provide information to the Federal, State, and local governments and the public, including citizens of communities surrounding covered facilities. The release form shall be available, consistent with section 324(a), to inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes.

(i) Modifications in Reporting Frequency.—

(1) In general.—The Administrator may modify the frequency of submitting a report under this section, but the Administrator may not modify the frequency to be any more often than annually. A modification may apply, either nationally or in a specific geographic area, to the following:

(A) All toxic chemical release forms required under this section.

(B) A class of toxic chemicals or a category of facilities.

(C) A specific toxic chemical.

(D) A specific facility.

(2) Requirements.—A modification may be made under paragraph (1) only if the Administrator—

100 STAT. 1745

(A) makes a finding that the modification is consistent with the provisions of subsection (h), based on—

(i) experience from previously submitted toxic chemical release forms, and

(ii) determinations made under paragraph (3), and

(B) the finding is made by a rulemaking in accordance with section 553 of title 5, United States Code.

(3) Determinations.—The Administrator shall make the following determinations with respect to a proposed modification before making a modification under paragraph (1):

(A) The extent to which information relating to the proposed modification provided on the toxic chemical release forms has been used by the Administrator or other agencies of the Federal Government, States, local governments, health professionals, and the public.

(B) The extent to which the information is (i) readily available to potential users from other sources, such as State reporting programs, and (ii) provided to the Administrator under another Federal law or through a State program.

(C) The extent to which the modification would impose additional and unreasonable burdens on facilities subject to the reporting requirements under this section.

(4) 5-YEAR REVIEW.—Any modification made under this subsection shall be reviewed at least once every 5 years. Such review shall examine the modification and ensure that the requirements of paragraphs (2) and (3) still justify continuation of the modification. Any change to a modification reviewed under this paragraph shall be made in accordance with this subsection.

(5) NOTIFICATION TO CONGRESS.—The Administrator shall notify Congress of an intention to initiate a rulemaking for a modification under this subsection. After such notification, the Administrator shall delay initiation of the rulemaking for at least 12 months, but no more than 24 months, after the date of such notification.

(6) JUDICIAL REVIEW.—In any judicial review of a rulemaking which establishes a modification under this subsection, a court may hold unlawful and set aside agency action, findings, and conclusions found to be unsupported by substantial evidence.

(7) APPLICABILITY.—A modification under this subsection may apply to a calendar year or other reporting period beginning no earlier than January 1, 1993.

(8) EFFECTIVE DATE.—Any modification made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any modification made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year.

Communications and telecommunications.

(j) EPA MANAGEMENT OF DATA.—The Administrator shall establish and maintain in a computer data base a national toxic chemical inventory based on data submitted to the Administrator under this section. The Administrator shall make these data accessible by computer telecommunication and other means to any person on a cost reimbursable basis.

(k) REPORT.—Not later than June 30, 1991, the Comptroller General, in consultation with the Administrator and appropriate officials in the States, shall submit to the Congress a report including each of the following:

100 STAT. 1746

(1) A description of the steps taken by the Administrator and the States to implement the requirements of this section, including steps taken to make information collected under this section available to and accessible by the public.

(2) A description of the extent to which the information collected under this section has been used by the Environmental Protection Agency, other Federal agencies, the States, and the public, and the purposes for which the information has been used.

(3) An identification and evaluation of options for modifications to the requirements of this section for the purpose of making information collected under this section more useful.

(l) MASS BALANCE STUDY.—

Reports.

(1) IN GENERAL.—The Administrator shall arrange for a mass balance study to be carried out by the National Academy of Sciences using mass balance information collected by the Administrator under paragraph (3). The Administrator shall submit to Congress a report on such study no later than 5 years after the date of the enactment of this title.

(2) PURPOSES.—The purposes of the study are as follows:

(A) To assess the value of mass balance analysis in determining the accuracy of information on toxic chemical releases.

(B) To assess the value of obtaining mass balance information, or portions thereof, to determine the waste reduction efficiency of different facilities, or categories of facilities, including the effectiveness of toxic chemical regulations promulgated under laws other than this title.

(C) To assess the utility of such information for evaluating toxic chemical management practices at facilities, or categories of facilities, covered by this section.

(D) To determine the implications of mass balance information collection on a national scale similar to the mass balance information collection carried out by the Administrator under paragraph (3), including implications of the use of such collection as part of a national annual quantity toxic chemical release program.

State and local governments.

(3) INFORMATION COLLECTION.—(A) The Administrator shall acquire available mass balance information from States which currently conduct (or during the 5 years after the date of enactment of this title initiate) a mass balance-oriented annual quantity toxic chemical release program. If information from such States provides an inadequate representation of industry classes and categories to carry out the purposes of the study, the Administrator also may acquire mass balance information necessary for the study from a representative number of facilities in other States.

Public information.
Classified information.

(B) Any information acquired under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18, United States Code, such information or part shall be considered confidential in accordance with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this section.

100 STAT. 1747

Regulations.

(C) The Administrator may promulgate regulations prescribing procedures for collecting mass balance information under this paragraph.

State and local governments.

(D) For purposes of collecting mass balance information under subparagraph (A), the Administrator may require the submission of information by a State or facility.

(4) MASS BALANCE DEFINITION.—For purposes of this subsection, the term "mass balance" means an accumulation of the annual quantities of chemicals transported to a facility, produced at a facility, consumed at a facility, used at a facility, accumulated at a facility, released from a facility, and transported from a facility as a waste or as a commercial product or byproduct or component of a commercial product or byproduct.

Subtitle C—General Provisions

State and local governments.
42 USC 11041.

SEC. 321. RELATIONSHIP TO OTHER LAW.

(a) IN GENERAL.—Nothing in this title shall—

(1) preempt any State or local law,

(2) except as provided in subsection (b), otherwise affect any State or local law or the authority of any State or local government to adopt or enforce any State or local law, or

(3) affect or modify in any way the obligations or liabilities of any person under other Federal law.

(b) EFFECT ON MSDS REQUIREMENTS.—Any State or local law enacted after August 1, 1985, which requires the submission of a material safety data sheet from facility owners or operators shall require that the data sheet be identical in content and format to the data sheet required under subsection (a) of section 311. In addition, a State or locality may require the submission of information which is supplemental to the information required on the data sheet (including information on the location and quantity of hazardous chemicals present at the facility), through additional sheets attached to the data sheet or such other means as the State or locality considers appropriate.

Classified information.
Claims.
42 USC 11042.

SEC. 322. TRADE SECRETS.

(a) Authority To Withhold Information.—

(1) General authority.—(A) With regard to a hazardous chemical, an extremely hazardous substance, or a toxic chemical, any person required under section 303(d)(2), 303(d)(3), 311, 312, or 313 to submit information to any other person may withhold from such submittal the specific chemical identity (including the chemical name and other specific identification), as defined in regulations prescribed by the Administrator under subsection (c), if the person complies with paragraph (2).

(B) Any person withholding the specific chemical identity shall, in the place on the submittal where the chemical identity would normally be included, include the generic class or category of the hazardous chemical, extremely hazardous substance, or toxic chemical (as the case may be).

(2) Requirements.—(A) A person is entitled to withhold information under paragraph (1) if such person—

(i) claims that such information is a trade secret, on the basis of the factors enumerated in subsection (b),

(ii) includes in the submittal referred to in paragraph (1) an explanation of the reasons why such information is claimed to be a trade secret, based on the factors enumerated in subsection (b), including a specific description of why such factors apply, and

(iii) submits to the Administrator a copy of such submittal, and the information withheld from such submittal.

(B) In submitting to the Administrator the information required by subparagraph (A)(iii), a person withholding information under this subsection may—

(i) designate, in writing and in such manner as the Administrator may prescribe by regulation, the information which such person believes is entitled to be withheld under paragraph (1), and

(ii) submit such designated information separately from other information submitted under this subsection.

(3) Limitation.—The authority under this subsection to withhold information shall not apply to information which the Administrator has determined, in accordance with subsection (c), is not a trade secret.

(b) Trade Secret Factors.—No person required to provide information under this title may claim that the information is entitled to protection as a trade secret under subsection (a) unless such person shows each of the following:

(1) Such person has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a State or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures.

(2) The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.

(3) Disclosure of the information is likely to cause substantial harm to the competitive position of such person.

(4) The chemical identity is not readily discoverable through reverse engineering.

(c) Trade Secret Regulations.—As soon as practicable after the date of enactment of this title, the Administrator shall prescribe regulations to implement this section. With respect to subsection (b)(4), such regulations shall be equivalent to comparable provisions in the Occupational Safety and Health Administration Hazard Communication Standard (29 C.F.R. 1910.1200) and any revisions of such standard prescribed by the Secretary of Labor in accordance with the final ruling of the courts of the United States in United Steelworkers of America, AFL–CIO–CLC v. Thorne G. Auchter.

(d) **Petition for Review.**—

(1) In general.—Any person may petition the Administrator for the disclosure of the specific chemical identity of a hazardous chemical, an extremely hazardous substance, or a toxic chemical which is claimed as a trade secret under this section. The Administrator may, in the absence of a petition under this paragraph, initiate a determination, to be carried out in accordance with this subsection, as to whether information withheld constitutes a trade secret. 100 STAT. 1749

(2) Initial review.—Within 30 days after the date of receipt of a petition under paragraph (1) (or upon the Administrator's initiative), the Administrator shall review the explanation filed by a trade secret claimant under subsection (a)(2) and determine whether the explanation presents assertions which, if true, are sufficient to support a finding that the specific chemical identity is a trade secret.

(3) Finding of sufficient assertions.—

(A) If the Administrator determines pursuant to paragraph (2) that the explanation presents sufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to supplement the explanation with detailed information to support the assertions.

(B) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are true and that the specific chemical identity is a trade secret, the Administrator shall so notify the petitioner and the petitioner may seek judicial review of the determination.

(C) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are not true and that the specific chemical identity is not a trade secret, the Administrator shall notify the trade secret claimant that the Administrator intends to release the specific chemical identity. The trade secret claimant has 30 days in which he may appeal the Administrator's determination under this subparagraph to the Administrator. If the Administrator does not reverse his determination under this subparagraph in such an appeal by the trade secret claimant, the trade secret claimaint may seek judicial review of the determination.

(4) Finding of insufficient assertions.—

(A) If the Administrator determines pursuant to paragraph (2) that the explanation presents insufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to appeal the determination to the Administrator, or, upon a showing of good cause, amend the original explanation by providing supplementary assertions to support the trade secret claim.

(B) If the Administrator does not reverse his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the Administrator shall so notify the trade secret claimant and the trade secret claimant may seek judicial review of the determination.

(C) If the Administrator reverses his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the procedures under paragraph (3) of this subsection apply.

(e) **Exception for Information Provided to Health Professionals.**—Nothing in this section, or regulations adopted pursuant

100 STAT. 1750

to this section, shall authorize any person to withhold information which is required to be provided to a health professional, a doctor, or a nurse in accordance with section 323.

(f) PROVIDING INFORMATION TO THE ADMINISTRATOR; AVAILABILITY TO PUBLIC.—Any information submitted to the Administrator under subsection (a)(2) or subsection (d)(3) (except a specific chemical identity) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator has access under this section if made public would divulge information entitled to protection under section 1905 of title 18, United States Code, such information or part shall be considered confidential in accordance with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this title.

(g) INFORMATION PROVIDED TO STATE.—Upon request by a State, acting through the Governor of the State, the Administrator shall provide to the State any information obtained under subsection (a)(2) and subsection (d)(3).

Health and medical care.

(h) INFORMATION ON ADVERSE EFFECTS.—(1) In any case in which the identity of a hazardous chemical or an extremely hazardous substance is claimed as a trade secret, the Governor or State emergency response commission established under section 301 shall identify the adverse health effects associated with the hazardous chemical or extremely hazardous substance and shall assure that such information is provided to any person requesting information about such hazardous chemical or extremely hazardous substance.

(2) In any case in which the identity of a toxic chemical is claimed as a trade secret, the Administrator shall identify the adverse health and environmental effects associated with the toxic chemical and shall assure that such information is included in the computer database required by section 313(j) and is provided to any person requesting information about such toxic chemical.

(i) INFORMATION PROVIDED TO CONGRESS.—Notwithstanding any limitatio contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this title shall be made available to a duly authorized committee of the Congress upon written request by such a committee.

Classified information.
42 USC 11043.

SEC. 323. PROVISION OF INFORMATION TO HEALTH PROFESSIONALS, DOCTORS, AND NURSES.

(a) DIAGNOSIS OR TREATMENT BY HEALTH PROFESSIONAL.—An owner or operator of a facility which is subject to the requirements of section 311, 312, or 313 shall provide the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical to any health professional who requests such information in writing if the health professional provides a written statement of need under this subsection and a written confidentiality agreement under subsection (d). The written statement of need shall be a statement that the health professional has a reasonable basis to suspect that—

(1) the information is needed for purposes of diagnosis or treatment of an individual,

(2) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned, and

100 STAT. 1751

(3) knowledge of the specific chemical identity of such chemical will assist in diagnosis or treatment.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the health professional. The authority to withhold the specific chemical identity of a chemical under section 322 when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d).

(b) **Medical Emergency.**—An owner or operator of a facility which is subject to the requirements of section 311, 312, or 313 shall provide a copy of a material safety data sheet, an inventory form, or a toxic chemical release form, including the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical, to any treating physician or nurse who requests such information if such physician or nurse determines that—

(1) a medical emergency exists,

(2) the specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first-aid diagnosis or treatment, and

(3) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned.

Immediately following such a request, the owner or operator to whom such request is made shall provide the requested information to the physician or nurse. The authority to withhold the specific chemical identity of a chemical from a material safety data sheet, an inventory form, or a toxic chemical release form under section 322 when such information is a trade secret shall not apply to information required to be provided to a treating physician or nurse under this subsection. No written confidentiality agreement or statement of need shall be required as a precondition of such disclosure, but the owner or operator disclosing such information may require a written confidentiality agreement in accordance with subsection (d) and a statement setting forth the items listed in paragraphs (1) through (3) as soon as circumstances permit.

(c) **Preventive Measures by Local Health Professionals.**—

(1) **Provision of information.**—An owner or operator of a facility subject to the requirements of section 311, 312, or 313 shall provide the specific chemical identity, if known, of a hazardous chemical, an extremely hazardous substance, or a toxic chemical to any health professional (such as a physician, toxicologist, or epidemiologist)—

(A) who is a local government employee or a person under contract with the local government, and

(B) who requests such information in writing and provides a written statement of need under paragraph (2) and a written confidentiality agreement under subsection (d).

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the local health professional. The authority to withhold the specific chemical identity of a chemical under section 322 when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d).

100 STAT. 1752

(2) **Written statement of need.**—The written statement of need shall be a statement that describes with reasonable detail one or more of the following health needs for the information:

(A) To assess exposure of persons living in a local community to the hazards of the chemical concerned.

(B) To conduct or assess sampling to determine exposure levels of various population groups.

(C) To conduct periodic medical surveillance of exposed population groups.

(D) To provide medical treatment to exposed individuals or population groups.

(E) To conduct studies to determine the health effects of exposure.

(F) To conduct studies to aid in the identification of a chemical that may reasonably be anticipated to cause an observed health effect.

(d) CONFIDENTIALITY AGREEMENT.—Any person obtaining information under subsection (a) or (c) shall, in accordance with such subsection (a) or (c), be required to agree in a written confidentiality agreement that he will not use the information for any purpose other than the health needs asserted in the statement of need, except as may otherwise be authorized by the terms of the agreement or by the person providing such information. Nothing in this subsection shall preclude the parties to a confidentiality agreement from pursuing any remedies to the extent permitted by law.

(e) REGULATIONS.—As soon as practicable after the date of the enactment of this title, the Administrator shall promulgate regulations describing criteria and parameters for the statement of need under subsection (a) and (c) and the confidentiality agreement under subsection (d).

42 USC 11044.

SEC. 324. PUBLIC AVAILABILITY OF PLANS, DATA SHEETS, FORMS, AND FOLLOWUP NOTICES.

(a) AVAILABILITY TO PUBLIC.—Each emergency response plan, material safety data sheet, list described in section 311(a)(2), inventory form, toxic chemical release form, and followup emergency notice shall be made available to the general public, consistent with section 322, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 312, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 312(d)(2) to be contained in an inventory form as tier II information.

(b) NOTICE OF PUBLIC AVAILABILITY.—Each local emergency planning committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section. The notice shall state that followup emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or followup notice may do so at the location designated under subsection (a).

42 USC 11045.

SEC. 325. ENFORCEMENT.

(a) CIVIL PENALTIES FOR EMERGENCY PLANNING.—The Administrator may order a facility owner or operator (except an owner or operator of a facility designated under section 302(b)(2)) to comply with section 302(c) and section 303(d). The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

(b) CIVIL, ADMINISTRATIVE, AND CRIMINAL PENALTIES FOR EMERGENCY NOTIFICATION.—

(1) CLASS I ADMINISTRATIVE PENALTY.—(A) A civil penalty of not more than $25,000 per violation may be assessed by the Administrator in the case of a violation of the requirements of section 304.

(B) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

(C) In determining the amount of any penalty assessed pursuant to this subsection, the Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

(2) CLASS II ADMINISTRATIVE PENALTY.—A civil penalty of not more than $25,000 per day for each day during which the violation continues may be assessed by the Administrator in the case of a violation of the requirements of section 304. In the case of a second or subsequent violation the amount of such penalty may be not more than $75,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected under section 16 of the Toxic Substances Control Act. In any proceeding for the assessment of a civil penalty under this subsection the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures.

(3) JUDICIAL ASSESSMENT.—The Administrator may bring an action in the United States District court for the appropriate district to assess and collect a penalty of not more than $25,000 per day for each day during which the violation continues in the case of a violation of the requirements of section 304. In the case of a second or subsequent violation, the amount of such penalty may be not more than $75,000 for each day during which the violation continues.

15 USC 2615.

(4) CRIMINAL PENALTIES.—Any person who knowingly and willfully fails to provide notice in accordance with section 304 shall, upon conviction, be fined not more than $25,000 or imprisoned for not more than two years, or both (or in the case of a second or subsequent conviction, shall be fined not more than $50,000 or imprisoned for not more than five years, or both).

100 STAT. 1754

(c) CIVIL AND ADMINISTRATIVE PENALTIES FOR REPORTING REQUIREMENTS.—(1) Any person (other than a governmental entity) who violates any requirement of section 312 or 313 shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

(2) Any person (other than a governmental entity) who violates any requirement of section 311 or 323(b), and any person who fails to furnish to the Administrator information required under section 322(a)(2) shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each such violation.

(3) Each day a violation described in paragraph (1) or (2) continues shall, for purposes of this subsection, constitute a separate violation.

(4) The Administrator may assess any civil penalty for which a person is liable under this subsection by administrative order or may bring an action to assess and collect the penalty in the United States district court for the district in which the person from whom the penalty is sought resides or in which such person's principal place of business is located.

(d) CIVIL, ADMINISTRATIVE, AND CRIMINAL PENALTIES WITH RESPECT TO TRADE SECRETS.—

(1) CIVIL AND ADMINISTRATIVE PENALTY FOR FRIVOLOUS CLAIMS.—If the Administrator determines—

(A)(i) under section 322(d)(4) that an explanation submitted by a trade secret claimant presents insufficient assertions to support a finding that a specific chemical identity is a trade secret, or (ii) after receiving supplemental supporting detailed information under section 322(d)(3)(A), that the specific chemical identity is not a trade secret; and

(B) that the trade secret claim is frivolous,

the trade secret claimant is liable for a penalty of $25,000 per claim. The Administrator may assess the penalty by administrative order or may bring an action in the appropriate district court of the United States to assess and collect the penalty.

(2) CRIMINAL PENALTY FOR DISCLOSURE OF TRADE SECRET INFORMATION.—Any person who knowingly and willfully divulges or discloses any information entitled to protection under

section 322 shall, upon conviction, be subject to a fine of not more than $20,000 or to imprisonment not to exceed one year, or both.

(e) SPECIAL ENFORCEMENT PROVISIONS FOR SECTION 323.—Whenever any facility owner or operator required to provide information under section 323 to a health professional who has requested such information fails or refuses to provide such information in accordance with such section, such health professional may bring an action in the appropriate United States district court to require such facility owner or operator to provide the information. Such court shall have jurisdiction to issue such orders and take such other action as may be necessary to enforce the requirements of section 323.

(f) PROCEDURES FOR ADMINISTRATIVE PENALTIES.—

(1) Any person against whom a civil penalty is assessed under this section may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days after the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the United States, the Administrator may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

Records.

100 STAT. 1755

(2) The Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

42 USC 11046.

SEC. 326. CIVIL ACTIONS.

(a) AUTHORITY TO BRING CIVIL ACTIONS.—

(1) CITIZEN SUITS.—Except as provided in subsection (e), any person may commence a civil action on his own behalf against the following:

(A) An owner or operator of a facility for failure to do any of the following:

(i) Submit a followup emergency notice under section 304(c).

(ii) Submit a material safety data sheet or a list under section 311(a).

(iii) Complete and submit an inventory form under section 312(a) containing tier I information as described in section 312(d)(1) unless such requirement does not apply by reason of the second sentence of section 312(a)(2).

(iv) Complete and submit a toxic chemical release form under section 313(a).

(B) The Administrator for failure to do any of the following:

(i) Publish inventory forms under section 312(g).

(ii) Respond to a petition to add or delete a chemical under section 313(e)(1) within 180 days after receipt of the petition.

(iii) Publish a toxic chemical release form under 313(g).

(iv) Establish a computer database in accordance with section 313(j).

(v) Promulgate trade secret regulations under section 322(c).

(vi) Render a decision in response to a petition under section 322(d) within 9 months after receipt of the petition.

(C) The Administrator, a State Governor, or a State emergency response commission, for failure to provide a mechanism for public availability of information in accordance with section 324(a).

Public information. State and local governments.

(D) A State Governor or a State emergency response commission for failure to respond to a request for tier II information under section 312(e)(3) within 120 days after the date of receipt of the request.

(2) STATE OR LOCAL SUITS.—

(A) Any State or local government may commence a civil action against an owner or operator of a facility for failure to do any of the following:

(i) Provide notification to the emergency response commission in the State under section 302(c).

(ii) Submit a material safety data sheet or a list under section 311(a).

(iii) Make available information requested under section 311(c).

(iv) Complete and submit an inventory form under section 312(a) containing tier I information unless such requirement does not apply by reason of the second sentence of section 312(a)(2)..

(B) Any State emergency response commission or local emergency planning committee may commence a civil action against an owner or operator of a facility for failure to provide information under section 303(d) or for failure to submit tier II information under section 312(e)(1).

(C) Any State may commence a civil action against the Administrator for failure to provide information to the State under section 322(g).

(b) VENUE.—

(1) Any action under subsection (a) against an owner or operator of a facility shall be brought in the district court for the district in which the alleged violation occurred.

(2) Any action under subsection (a) against the Administrator may be brought in the United States District Court for the District of Columbia.

District of Columbia.

(c) RELIEF.—The district court shall have jurisdiction in actions brought under subsection (a) against an owner or operator of a facility to enforce the requirement concerned and to impose any civil penalty provided for violation of that requirement. The district court shall have jurisdiction in actions brought under subsection (a) against the Administrator to order the Administrator to perform the act or duty concerned.

(d) NOTICE.—

(1) No action may be commenced under subsection (a)(1)(A) prior to 60 days after the plaintiff has given notice of the alleged violation to the Administrator, the State in which the alleged violation occurs, and the alleged violator. Notice under this

Regulations.

paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

(2) No action may be commenced under subsection (a)(1)(B) or (a)(1)(C) prior to 60 days after the date on which the plaintiff gives notice to the Administrator, State Governor, or State emergency response commission (as the case may be) that the plaintiff will commence the action. Notice under this paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

Regulations

(e) Limitation.—No action may be commenced under subsection (a) against an owner or operator of a facility if the Administrator has commenced and is diligently pursuing an administrative order or civil action to enforce the requirement concerned or to impose a civil penalty under this Act with respect to the violation of the requirement.

(f) Costs.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

18 USC app.

State and local governments.

(g) Other Rights.—Nothing in this section shall restrict or expand any right which any person (or class of persons) may have under any Federal or State statute or common law to seek enforcement of any requirement or to seek any other relief (including relief against the Administrator or a State agency).

(h) Intervention.—

(1) By the united states.—In any action under this section the United States or the State, or both, if not a party, may intervene as a matter of right.

(2) By persons.—In any action under this section, any person may intervene as a matter of right when such person has a direct interest which is or may be adversely affected by the action and the disposition of the action may, as a practical matter, impair or impede the person's ability to protect that interest unless the Administrator or the State shows that the person's interest is adequately represented by existing parties in the action.

Natural gas.
42 USC 11047.

SEC. 327. EXEMPTION.

Except as provided in section 304, this title does not apply to the transportation, including the storage incident to such transportation, of any substance or chemical subject to the requirements of this title, including the transportation and distribution of natural gas.

42 USC 11048.

SEC. 328. REGULATIONS.

The Administrator may prescribe such regulations as may be necessary to carry out this title.

42 USC 11049.

SEC. 329. DEFINITIONS.

For purposes of this title—

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Environment.—The term "environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

(3) Extremely hazardous substance.—The term "extremely hazardous substance" means a substance on the list described in section 302(a)(2).

(4) Facility.—The term "facility" means all buildings, equipment, structures, and other stationary items which are located

on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For purposes of section 304, the term includes motor vehicles, rolling stock, and aircraft.

100 STAT. 1758

(5) HAZARDOUS CHEMICAL.—The term "hazardous chemical" has the meaning given such term by section 311(e).

(6) MATERIAL SAFETY DATA SHEET.—The term "material safety data sheet" means the sheet required to be developed under section 1910.1200(g) of title 29 of the Code of Federal Regulations, as that section may be amended from time to time.

(7) PERSON.—The term "person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

(8) RELEASE.—The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or toxic chemical.

(9) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

(10) TOXIC CHEMICAL.—The term "toxic chemical" means a substance on the list described in section 313(c).

SEC. 330. AUTHORIZATION OF APPROPRIATIONS.

42 USC 11050.

There are authorized to be appropriated for fiscal years beginning after September 30, 1986, such sums as may be necessary to carry out this title.

TITLE IV—RADON GAS AND INDOOR AIR QUALITY RESEARCH

Radon Gas and Indoor Air Quality Research Act of 1986.

SEC. 401. SHORT TITLE.

42 USC 7401 note.

This title may be cited as the "Radon Gas and Indoor Air Quality Research Act of 1986".

SEC. 402. FINDINGS.

42 USC 7401 note.

The Congress finds that:

(1) High levels of radon gas pose a serious health threat in structures in certain areas of the country.

(2) Various scientific studies have suggested that exposure to radon, including exposure to naturally occurring radon and indoor air pollutants, poses a public health risk.

(3) Existing Federal radon and indoor air pollutant research programs are fragmented and underfunded.

(4) An adequate information base concerning exposure to radon and indoor air pollutants should be developed by the appropriate Federal agencies.

SEC. 403. RADON GAS AND INDOOR AIR QUALITY RESEARCH PROGRAM.

42 USC 7401 note.

(a) DESIGN OF PROGRAM.—The Administrator of the Environmental Protection Agency shall establish a research program with respect to radon gas and indoor air quality. Such program shall be designed to—

100 STAT. 1759

(1) gather data and information on all aspects of indoor air quality in order to contribute to the understanding of health problems associated with the existence of air pollutants in the indoor environment;

(2) coordinate Federal, State, local, and private research and development efforts relating to the improvement of indoor air quality; and

(3) assess appropriate Federal Government actions to mitigate the environmental and health risks associated with indoor air quality problems.

(b) PROGRAM REQUIREMENTS.—The research program required under this section shall include—

(1) research and development concerning the identification, characterization, and monitoring of the sources and levels of indoor air pollution, including radon, which includes research and development relating to—

(A) the measurement of various pollutant concentrations and their strengths and sources,

(B) high-risk building types, and

(C) instruments for indoor air quality data collection;

(2) research relating to the effects of indoor air pollution and radon on human health;

(3) research and development relating to control technologies or other mitigation measures to prevent or abate indoor air pollution (including the development, evaluation, and testing of individual and generic control devices and systems);

(4) demonstration of methods for reducing or eliminating indoor air pollution and radon, including sealing, venting, and other methods that the Administrator determines may be effective;

(5) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, for the purpose of developing—

(A) methods for assessing the potential for radon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, porosity of soil, and radon content of soil; and

(B) design measures to avoid indoor air pollution; and

(6) the dissemination of information to assure the public availability of the findings of the activities under this section.

(c) ADVISORY COMMITTEES.—The Administrator shall establish a committee comprised of individuals representing Federal agencies concerned with various aspects of indoor air quality and an advisory group comprised of individuals representing the States, the scientific community, industry, and public interest organizations to assist him in carrying out the research program for radon gas and indoor air quality.

(d) IMPLEMENTATION PLAN.—Not later than 90 days after the enactment of this Act, the Administrator shall submit to the Congress a plan for implementation of the research program under this section. Such plan shall also be submitted to the EPA Science Advisory Board, which shall, within a reasonable period of time, submit its comments on such plan to Congress.

(e) REPORT.—Not later than 2 years after the enactment of this 100 STAT. 1760 Act, the Administrator shall submit to Congress a report respecting his activities under this section and making such recommendations as appropriate.

42 USC 7401 note.

SEC. 404. CONSTRUCTION OF TITLE.

Nothing in this title shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and related reporting, information dissemination, and coordination activities specified in this title. Nothing in this title shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law.

Appropriation authorization. 42 USC 7401 note.

SEC. 405. AUTHORIZATIONS.

There are authorized to be appropriated to carry out the activities under this title and under section 118(k) of the Superfund Amendments and Reauthorization Act of 1986 (relating to radon gas assessment and demonstration program) not to exceed $5,000,000 for each of the fiscal years 1987, 1988, and 1989. Of such sums appropriated in fiscal years 1987 and 1988, two-fifths shall be reserved for the implementation of section 118(k)(2).

TITLE V—AMENDMENTS OF THE INTERNAL REVENUE CODE OF 1986

Superfund Revenue Act of 1986.

SEC. 501. SHORT TITLE.

26 USC 1 note.

This title may be cited as the "Superfund Revenue Act of 1986".

PART I—SUPERFUND AND ITS REVENUE SOURCES

SEC. 511. EXTENSION OF ENVIRONMENTAL TAXES.

(a) IN GENERAL.—Subsection (d) of section 4611 of the Internal Revenue Code of 1986 (relating to termination) is amended to read as follows: 26 USC 4611.

"(d) APPLICATION OF TAXES.— Effective date.

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the taxes imposed by this section shall apply after December 31, 1986, and before January 1, 1992.

"(2) NO TAX IF UNOBLIGATED BALANCE IN FUND EXCEEDS $3,500,000,000.—If on December 31, 1989, or December 31, 1990—

"(A) the unobligated balance in the Hazardous Substance Superfund exceeds $3,500,000,000, and

"(B) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the unobligated balance in the Hazardous Substance Superfund will exceed $3,500,000,000 on December 31 of 1990 or 1991, respectively, if no tax is imposed under section 59A, this section, and sections 4661 and 4671, *Post*, p. 1770; 26 USC 4661, 4671.

then no tax shall be imposed under this section during 1990 or 1991, as the case may be.

"(3) NO TAX IF AMOUNTS COLLECTED EXCEED $6,650,000,000.—

"(A) ESTIMATES BY SECRETARY.—The Secretary as of the close of each calendar quarter (and at such other times as the Secretary determines appropriate) shall make an estimate of the amount of taxes which will be collected under section 59A, this section, and sections 4661 and 4671 and credited to the Hazardous Substance Superfund during the period beginning January 1, 1987, and ending December 31, 1991. *Post*, p. 1770; 26 USC 4661, 4671.

"(B) TERMINATION IF $6,650,000,000 CREDITED BEFORE JANUARY 1, 1992.—If the Secretary estimates under subparagraph (A) that more than $6,650,000,000 will be credited to the Fund before January 1, 1992, no tax shall be imposed under this section after the date on which (as estimated by the Secretary) $6,650,000,000 will be so credited to the Fund."

(b) TECHNICAL AMENDMENT.—Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is hereby repealed. 42 USC 9653.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987. 26 USC 4611 note.

SEC. 512. INCREASE IN TAX ON PETROLEUM.

(a) IN GENERAL.—Subsections (a) and (b) of section 4611 of the Internal Revenue Code of 1986 (relating to environmental tax on petroleum) are each amended by striking out "of 0.79 cent a barrel" and inserting in lieu thereof "at the rate specified in subsection (c)". 26 USC 4611.

(b) INCREASE IN TAX.—Section 4611 of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection: 26 USC 4611.

"(c) Rate of Tax.—

"(1) In general.—Except as provided in paragraph (2), the rate of the taxes imposed by this section is 8.2 cents a barrel.

"(2) Imported petroleum products.—The rate of the tax imposed by subsection (a)(2) shall be 11.7 cents a barrel."

26 USC 4612.

(c) Allowance of Credit for Crude Oil Returned to Pipeline.—Section 4612 of such Code (relating to definitions and special rules) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

Regulations.

"(c) Credit Where Crude Oil Returned to Pipeline.—Under regulations prescribed by the Secretary, if an operator of a United States refinery—

"(1) removes crude oil from a pipeline, and

"(2) returns a portion of such crude oil into a stream of other crude oil in the same pipeline,

there shall be allowed as a credit against the tax imposed by section 4611 to such operator an amount equal to the product of the rate of tax imposed by section 4611 on the crude oil so removed by such operator and the number of barrels of crude oil returned by such operator to such pipeline. Any crude oil so returned shall be treated for purposes of this subchapter as crude oil on which no tax has been imposed by section 4611."

26 USC 4611 note.

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 1987.

SEC. 513. CHANGES RELATING TO TAX ON CERTAIN CHEMICALS.

26 USC 4661.

(a) Increase in Rate of Tax on Xylene.—The table contained in subsection (b) of section 4661 of the Internal Revenue Code of 1986 (relating to tax on certain chemicals) is amended by adding at the end thereof the following new sentence:

100 STAT. 1762

"For periods before 1992, the item relating to xylene in the preceding table shall be applied by substituting '10.13' for '4.87'."

26 USC 4662.

(b) Exemption for Exports of Taxable Chemicals.—

(1) Section 4662 of such Code (relating to definitions and special rules) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Exemption for Exports of Taxable Chemicals.—

"(1) Tax-free sales.—

"(A) In general.—No tax shall be imposed under section 4661 on the sale by the manufacturer or producer of any taxable chemical for export, or for resale by the purchaser to a second purchaser for export.

"(B) Proof of export required.—Rules similar to the rules of section 4221(b) shall apply for purposes of subparagraph (A).

"(2) Credit or refund where tax paid.—

"(A) In general.—Except as provided in subparagraph (B), if—

"(i) tax under section 4661 was paid with respect to any taxable chemical, and

"(ii)(I) such chemical was exported by any person, or

"(II) such chemical was used as a material in the manufacture or production of a substance which was exported by any person and which, at the time of export, was a taxable substance (as defined in section 4672(a)),

credit or refund (without interest) of such tax shall be allowed or made to the person who paid such tax.

"(B) Condition to allowance.—No credit or refund shall be allowed or made under subparagraph (A) unless the person who paid the tax establishes that he—

"(i) has repaid or agreed to repay the amount of the tax to the person who exported the taxable chemical or taxable substance (as so defined), or "(ii) has obtained the written consent of such exporter to the allowance of the credit or the making of the refund.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

(2) Paragraph (1) of section 4662(d) of such Code (relating to refund or credit for certain uses) is amended—

Post, p. 1764.

(A) by striking out "the sale of which by such person would be taxable under such section" and inserting in lieu thereof "which is a taxable chemical", and

(B) by striking out "imposed by such section on the other substance manufactured or produced" and inserting in lieu thereof "imposed by such section on the other substance manufactured or produced (or which would have been imposed by such section on such other substance but for subsection (b) or (e) of this section)".

(c) SPECIAL RULE FOR XYLENE.—Subsection (b) of section 4662 of such Code (relating to exceptions; other special rules) is amended by adding after paragraph (6) the following new paragraph:

"(7) SPECIAL RULE FOR XYLENE.—Except in the case of any substance imported into the United States or exported from the

100 STAT. 1763

United States, the term 'xylene' does not include any separated isomer of xylene."

(d) EXEMPTION FOR CERTAIN RECYCLED CHEMICALS.—Subsection (b) of section 4662 of such Code (relating to exceptions; other special rules) is amended by adding after paragraph (7) the following new paragraph:

Ante, p. 1762; *post*, p. 1765; *infra*.

"(8) RECYCLED CHROMIUM, COBALT, AND NICKEL.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661(a) on any chromium, cobalt, or nickel which is diverted or recovered in the United States from any solid waste as part of a recycling process (and not as part of the original manufacturing or production process).

"(B) EXEMPTION NOT TO APPLY WHILE CORRECTIVE ACTION UNCOMPLETED.—Subparagraph (A) shall not apply during any period that required corrective action by the taxpayer at the unit at which the recycling occurs is uncompleted.

"(C) REQUIRED CORRECTIVE ACTION.—For purposes of subparagraph (B), required corrective action shall be treated as uncompleted during the period—

"(i) beginning on the date that the corrective action is required by the Administrator or an authorized State pursuant to—

"(I) a final permit under section 3005 of the Solid Waste Disposal Act or a final order under section 3004 or 3008 of such Act, or

42 USC 6925.
42 USC 6924, 6928.

"(II) a final order under section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and

42 USC 9603.

"(ii) ending on the date the Administrator or such State (as the case may be) certifies to the Secretary that such corrective action has been completed.

"(D) SPECIAL RULE FOR GROUNDWATER TREATMENT.—In the case of corrective action requiring groundwater treatment, such action shall be treated as completed as of the close of the 10-year period beginning on the date such action is required if such treatment complies with the permit or order applicable under subparagraph (C)(i) throughout such period. The preceding sentence shall cease to apply beginning on the date such treatment ceases to comply with such permit or order.

Termination date.

"(E) SOLID WASTE.—For purposes of this paragraph, the term 'solid waste' has the meaning given such term by section 1004 of the Solid Waste Disposal Act, except that such term shall not include any byproduct, coproduct, or other waste from any process of smelting, refining, or otherwise extracting any metal."

42 USC 6903.

(e) EXEMPTION FOR ANIMAL FEED SUBSTANCES.—

(1) IN GENERAL.—Subsection (b) of section 4662 of such Code (relating to exceptions; other special rules) is amended by adding after paragraph (8) the following new paragraph:

"(9) SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

"(A) IN GENERAL.—In the case of—

"(i) nitric acid,

"(ii) sulfuric acid,

"(iii) ammonia, or

"(iv) methane used to produce ammonia,

which is a qualified animal feed substance, no tax shall be imposed under section 4661(a).

26 USC 4661.

"(B) QUALIFIED ANIMAL FEED SUBSTANCE.—For purposes of this section, the term 'qualified animal feed substance' means any substance—

"(i) used in a qualified animal feed use by the manufacturer, producer, or importer,

"(ii) sold for use by any purchaser in a qualified animal feed use, or

"(iii) sold for resale by any purchaser for use, or resale for ultimate use, in a qualified animal feed use.

"(C) QUALIFIED ANIMAL FEED USE.—The term 'qualified animal feed use' means any use in the manufacture or production of animal feed or animal feed supplements, or of ingredients used in animal feed or animal feed supplements.

"(D) TAXATION OF NONQUALIFIED SALE OR USE.—For purposes of section 4661(a), if no tax was imposed by such section on the sale or use of any chemical by reason of subparagraph (A), the 1st person who sells or uses such chemical other than in a sale or use described in subparagraph (A) shall be treated as the manufacturer of such chemical."

(2) REFUND OR CREDIT FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (d) of section 4662 of such Code (relating to refunds and credits with respect to the tax on certain chemicals) is amended by adding at the end thereof the following new paragraph:

Ante, p. 1762.

"(4) USE IN THE PRODUCTION OF ANIMAL FEED.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia, without regard to subsection (b)(9), and

"(B) any person uses such substance as a qualified animal feed substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(9) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section."

(f) CERTAIN EXCHANGES BY TAXPAYERS NOT TREATED AS SALES.—Subsection (c) of section 4662 of such Code (relating to use by manufacturers) is amended to read as follows:

"(c) USE AND CERTAIN EXCHANGES BY MANUFACTURER, ETC.—

"(1) USE TREATED AS SALE.—Except as provided in subsections (b) and (e), if any person manufactures, produces, or imports any taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(2) SPECIAL RULES FOR INVENTORY EXCHANGES.—

"(A) IN GENERAL.—Except as provided in this paragraph, in any case in which a manufacturer, producer, or importer of a taxable chemical exchanges such chemical as part of an inventory exchange with another person—

"(i) such exchange shall not be treated as a sale, and

100 STAT. 1765

"(ii) such other person shall, for purposes of section 4661, be treated as the manufacturer, producer, or importer of such chemical.

26 USC 4661.

"(B) REGISTRATION REQUIREMENT.—Subparagraph (A) shall not apply to any inventory exchange unless—

"(i) both parties are registered with the Secretary as manufacturers, producers, or importers of taxable chemicals, and

"(ii) the person receiving the taxable chemical has, at such time as the Secretary may prescribe, notified the manufacturer, producer, or importer of such person's registration number and the internal revenue district in which such person is registered.

"(C) INVENTORY EXCHANGE.—For purposes of this paragraph, the term 'inventory exchange' means any exchange in which 2 persons exchange property which is, in the hands of each person, property described in section 1221(1)."

(g) SPECIAL RULES RELATING TO HYDROCARBON STREAMS CONTAINING ORGANIC TAXABLE CHEMICALS.—Subsection (b) of section 4662 of such Code (relating to exceptions; other special rules) is amended by adding after paragraph (9) the following new paragraph:

Ante, p. 1763.

"(10) HYDROCARBON STREAMS CONTAINING MIXTURES OF ORGANIC TAXABLE CHEMICALS.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661(a) on any organic taxable chemical while such chemical is part of an intermediate hydrocarbon stream containing a mixture of organic taxable chemicals.

"(B) REMOVAL, ETC., TREATED AS USE.—For purposes of this part, if any organic taxable chemical on which no tax was imposed by reason of subparagraph (A) is isolated, extracted, or otherwise removed from, or ceases to be part of, an intermediate hydrocarbon stream—

"(i) such isolation, extraction, removal, or cessation shall be treated as use by the person causing such event, and

"(ii) such person shall be treated as the manufacturer of such chemical.

"(C) REGISTRATION REQUIREMENT.—Subparagraph (A) shall not apply to any sale of any intermediate hydrocarbon stream unless the registration requirements of clauses (i) and (ii) of subsection (c)(2)(B) are satisfied.

"(D) ORGANIC TAXABLE CHEMICAL.—For purposes of this paragraph, the term 'organic taxable chemical' means any taxable chemical which is an organic substance."

(h) EFFECTIVE DATES.—

26 USC 4661 note.

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 1987.

(2) REPEAL OF TAX ON XYLENE FOR PERIODS BEFORE OCTOBER 1, 1985.—

(A) REFUND OF TAX PREVIOUSLY IMPOSED.—

(i) IN GENERAL.—In the case of any tax imposed by section 4661 of the Internal Revenue Code of 1954 on the sale or use of xylene before October 1, 1985, such tax (including interest, additions to tax, and additional amounts) shall not be assessed, and if assessed, the

100 STAT. 1766

assessment shall be abated, and if collected shall be credited or refunded (with interest) as an overpayment.

26 USC 4661.

(ii) CONDITION TO ALLOWANCE.—Clause (i) shall not apply to a sale of xylene unless the person who (but for clause (i)) would be liable for the tax imposed by section 4661 on such sale meets requirements similar to the requirements of paragraph (1) of section 6416(a) of such Code. For purposes of the preceding sentence, subparagraph (A) of section 6416(a)(1) of such Code shall be applied without regard to the material preceding "has not collected".

Claims.

(B) WAIVER OF STATUTE OF LIMITATIONS.—If on the date of the enactment of this Act (or at any time within 1 year after such date of enactment) refund or credit of any overpayment of tax resulting from the application of subparagraph (A) is barred by any law or rule of law, refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefor is filed before the date 1 year after the date of the enactment of this Act.

(C) XYLENE TO INCLUDE ISOMERS.—For purposes of this paragraph, the term "xylene" shall include any isomer of xylene whether or not separated.

(3) INVENTORY EXCHANGES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by subsection (f) shall apply as if included in the amendments made by section 211 of the Hazardous Substance Response Revenue Act of 1980.

26 USC prec. 4611–4612, prec. 4661–4662, prec. 4041, 4611 note.
Imports and exports.

(B) RECIPIENT MUST AGREE TO TREATMENT AS MANUFACTURER.—In the case of any inventory exchange before January 1, 1987, the amendment made by subsection (f) shall apply only if the person receiving the chemical from the manufacturer, producer, or importer in the exchange agrees to be treated as the manufacturer, producer, or importer of such chemical for purposes of subchapter B of chapter 38 of the Internal Revenue Code of 1954.

26 USC 4661.
Imports and exports.

(C) EXCEPTION WHERE MANUFACTURER PAID TAX.—In the case of any inventory exchange before January 1, 1987, the amendment made by subsection (f) shall not apply if the manufacturer, producer, or importer treated such exchange as a sale for purposes of section 4661 of such Code and paid the tax imposed by such section.

(D) REGISTRATION REQUIREMENTS.—Section 4662(c)(2)(B) of such Code (as added by subsection (f)) shall apply to exchanges made after December 31, 1986.

Ante, p. 1762.

(4) EXPORTS OF TAXABLE SUBSTANCES.—Subclause (II) of section 4662(e)(2)(A)(ii) of such Code (as added by this section) shall not apply to the export of any taxable substance (as defined in section 4672(a) of such Code) before January 1, 1989.

(5) SALES OF INTERMEDIATE HYDROCARBON STREAMS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by subsection (g) shall apply as if included in the amendments made by section 211 of the Hazardous Substances Response Revenue Act of 1980.

(B) PURCHASER MUST AGREE TO TREATMENT AS MANUFACTURER.—In the case of any sale before January 1, 1987, of any intermediate hydrocarbon stream, the amendment made by subsection (g) shall apply only if the purchaser agrees to be treated as the manufacturer, producer, or importer for purposes of subchapter B of chapter 38 of such Code.

100 STAT. 1767

26 USC prec. 4611–4612, prec. 4661–4662, prec. 4041, 4611 note.
Imports and exports.

(C) EXCEPTION WHERE MANUFACTURER PAID TAX.—In the case of any sale before January 1, 1987, of any intermediate hydrocarbon stream, the amendment made by subsection (g) shall not apply if the manufacturer, producer, or importer of such stream paid the tax imposed by section 4661 with respect to such sale on all taxable chemicals contained in such stream.

(D) Registration requirements.—Section 4662(b)(10)(C) of such Code (as added by subsection (g)) shall apply to exchanges made after December 31, 1986.

SEC. 514. REPEAL OF POST-CLOSURE TAX AND TRUST FUND.

(a) Repeal of Tax.—

(1) Subchapter C of chapter 38 of the Internal Revenue Code of 1986 (relating to tax on hazardous wastes) is hereby repealed.

26 USC 4681, 4682.

(2) The table of subchapters for such chapter 38 is amended by striking out the item relating to subchapter C.

(b) Repeal of Trust Fund.—Section 232 of the Hazardous Substance Response Revenue Act of 1980 is hereby repealed.

42 USC 9641.

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on October 1, 1983.

26 USC 4681 note.

(2) Waiver of statute of limitations.—If on the date of the enactment of this Act (or at any time within 1 year after such date of enactment) refund or credit of any overpayment of tax resulting from the application of this section is barred by any law or rule of law, refund or credit of such overpayment shall, nevertheless, be made or allowed if claim therefor is filed before the date 1 year after the date of the enactment of this Act.

Claims.

SEC. 515. TAX ON CERTAIN IMPORTED SUBSTANCES DERIVED FROM TAXABLE CHEMICALS.

(a) General Rule.—Chapter 38 of the Internal Revenue Code of 1986 is amended by adding after subchapter B the following new subchapter:

"Subchapter C. Tax on Certain Imported Substances.

"Sec. 4671. Imposition of tax.
"Sec. 4672. Definitions and special rules.

"SEC. 4671. IMPOSITION OF TAX.

26 USC 4671.

"(a) General Rule.—There is hereby imposed a tax on any taxable substance sold or used by the importer thereof.

Imports and exports.

"(b) Amount of Tax.—

"(1) In general.—Except as provided in paragraph (2), the amount of the tax imposed by subsection (a) with respect to any taxable substance shall be the amount of the tax which would have been imposed by section 4661 on the taxable chemicals used as materials in the manufacture or production of such substance if such taxable chemicals had been sold in the United States for use in the manufacture or production of such taxable substance.

"(2) Rate where importer does not furnish information to secretary.—If the importer does not furnish to the Secretary (at such time and in such manner as the Secretary shall prescribe) sufficient information to determine under paragraph (1) the amount of the tax imposed by subsection (a) on any taxable substance, the amount of the tax imposed on such taxable substance shall be 5 percent of the appraised value of such substance as of the time such substance was entered into the United States for consumption, use, or warehousing.

100 STAT. 1768

"(3) Authority to prescribe rate in lieu of paragraph (2) rate.—The Secretary may prescribe for each taxable substance a tax which, if prescribed, shall apply in lieu of the tax specified in paragraph (2) with respect to such substance. The tax prescribed by the Secretary shall be equal to the amount of tax which would be imposed by subsection (a) with respect to the taxable substance if such substance were produced using the predominant method of production of such substance.

"(c) Exemptions for Substances Taxed Under Sections 4611 and 4661.—No tax shall be imposed by this section on the sale or use of any substance if tax is imposed on such sale or use under section 4611 or 4661.

26 USC 4611, 4661.

"(d) Tax-Free Sales, Etc. for Substances Used as Certain Fuels or in the Production of Fertilizer or Animal Feed.—Rules similar to the following rules shall apply for purposes of applying this section with respect to taxable substances used or sold for use as described in such rules:

"(1) Paragraphs (2), (5), and (9) of section 4662(b) (relating to tax-free sales of chemicals used as fuel or in the production of fertilizer or animal feed).

"(2) Paragraphs (2), (3), and (4) of section 4662(d) (relating to refund or credit of tax on certain chemicals used as fuel or in the production of fertilizer or animal feed).

"(e) Termination.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a).

26 USC 4672. "SEC. 4672. DEFINITIONS AND SPECIAL RULES.

"(a) Taxable Substance.—For purposes of this subchapter—

"(1) In general.—The term 'taxable substance' means any substance which, at the time of sale or use by the importer, is listed as a taxable substance by the Secretary for purposes of this subchapter.

"(2) Determination of substances on list.—A substance shall be listed under paragraph (1) if—

"(A) the substance is contained in the list under paragraph (3), or

"(B) the Secretary determines, in consultation with the Administrator of the Environmental Protection Agency and the Commissioner of Customs, that taxable chemicals constitute more than 50 percent of the weight of the materials used to produce such substance (determined on the basis of the predominant method of production).

"(3) Initial list of taxable substances.—

100 STAT. 1769

Cumene
Styrene
Ammonium nitrate
Nickel oxide
Isopropyl alcohol
Ethylene glycol
Vinyl chloride
Polyethylene resins, total
Polybutadiene
Styrene-butadiene, latex
Styrene-butadiene, snpf
Synthetic rubber, not containing fillers
Urea
Ferronickel
Ferrochromium nov 3 pct
Ferrochrome ov 3 pct. carbon
Unwrought nickel
Nickel waste and scrap
Wrought nickel rods and wire
Nickel powders
Phenolic resins
Polyvinylchloride resins
Polystyrene resins and copolymers
Ethyl alcohol for nonbeverage use
Ethylbenzene
Methylene chloride
Polypropylene
Propylene glycol
Formaldehyde
Acetone
Acrylonitrile
Methanol
Propylene oxide
Polypropylene resins
Ethylene oxide
Ethylene dichloride
Cyclohexane
Isophthalic acid
Maleic anhydride
Phthalic anhydride
Ethyl methyl ketone
Chloroform
Carbon tetrachloride
Chromic acid
Hydrogen peroxide
Polystyrene homopolymer resins
Melamine
Acrylic and methacrylic acid resins
Vinyl resins
Vinyl resins, NSPF.

"(4) Modifications to list.—

"(A) In general.—The Secretary may add substances to or remove substances from the list under paragraph (3) (including items listed by reason of paragraph (2)) as necessary to carry out the purposes of this subchapter.

"(B) Authority to add substances to list based on value.—The Secretary may, to the extent necessary to carry out the purposes of this subchapter, add any substance to the list under paragraph (3) if such substance would be described in paragraph (2)(B) if 'value' were substituted for 'weight' therein.

"(b) Other Definitions.—For purposes of this subchapter—

"(1) Importer.—The term 'importer' means the person entering the taxable substance for consumption, use, or warehousing.

"(2) Taxable chemicals; united states.—The terms 'taxable chemical' and 'United States' have the respective meanings given such terms by section 4662(a). 26 USC 4662.

"(c) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4671."

(b) Clerical Amendment.—The table of subchapters for chapter 38 of such Code is amended by adding after the item relating to subchapter B the following new item:

"Subchapter C. Tax on certain imported substances."

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1989. 26 USC 4671 note.

(d) Study.— 26 USC 4671 note.

(1) In general.—The Secretary of the Treasury or his delegate shall conduct a study of issues relating to the implementation of—

(A) the tax imposed by the section 4671 of the Internal Revenue Code of 1986 (as added by this section), and

(B) the credit for exports of taxable substances under section 4661(e)(2)(A)(ii)(II) of such Code.

In conducting such study, the Secretary of the Treasury or his delegate shall consult with the Environmental Protection Agency and the International Trade Commission.

(2) Report.—The report of the study under paragraph (1) shall be submitted not later than January 1, 1988, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

100 STAT. 1770

SEC. 516. ENVIRONMENTAL TAX.

(a) In General.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to income taxes) is amended by adding at the end thereof the following new part:

"PART VII—ENVIRONMENTAL TAX

"Sec. 59A. Environmental tax.

"SEC. 59A. ENVIRONMENTAL TAX.

26 USC 59A.

"(a) Imposition of Tax.—In the case of a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.12 percent of the excess of— Corporation.

"(1) the modified alternative minimum taxable income of such corporation for the taxable year, over

"(2) $2,000,000.

"(b) Modified Alternative Minimum Taxable Income.—For purposes of this section, the term 'modified alternative minimum taxable income' means alternative minimum taxable income (as defined in section 55(b)(2)) but determined without regard to—

"(1) the alternative tax net operating loss deduction (as defined in section 56(d)), and

"(2) the deduction allowed under section 164(a)(5).

"(c) Special Rules.—

"(1) Short taxable years.—The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary.

"(2) Section 15 not to apply.—Section 15 shall not apply to the tax imposed by this section.

"(d) Application of Tax.—

"(1) In general.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1992. Effective date.

"(2) Earlier termination.—The tax imposed by this section shall not apply to taxable years—

"(A) beginning during a calendar year during which no tax is imposed under section 4611(a) by reason of paragraph (2) of section 4611(e), and

"(B) beginning after the calendar year which includes the termination date under paragraph (3) of section 4611(e)."

(b) Technical Amendments.—

(1) No credits allowed against tax.—

(A) Paragraph (2) of section 26(b) of such Code, as amended by the Tax Reform Act of 1986, is amended by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) section 59A (relating to environmental tax),".

(B) Paragraph (3) of section 936(a) of such Code, as so amended, is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

100 STAT. 1771

"(A) section 59A (relating to environmental tax),".

(2) Tax to be deductible for income tax purposes.—

26 USC 164.

(A) Subsection (a) of section 164 of such Code (relating to deduction for taxes), as so amended, is amended by inserting after paragraph (4) the following new paragraph:

Ante, p. 1770.

"(5) The environmental tax imposed by section 59A."

(B) Subsection (a) of section 275 of such Code is amended by adding at the end thereof the following new sentence: "Paragraph (1) shall not apply to the tax imposed by section 59A."

(3) Limitation in case of controlled corporations.—Subsection (a) of section 1561 of such Code (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations), as amended by the Tax Reform Act of 1986, is amended—

(A) by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) one $2,000,000 amount for purposes of computing the tax imposed by section 59A.", and

(B) by striking out "(and the amount specified in paragraph (3))" and inserting in lieu thereof ", the amount specified in paragraph (3), and the amount specified in paragraph (4)".

(4) Amendments to estimated tax provisions.—

(A) Tax liability must be estimated.—

(i) Paragraph (1) of section 6154(c) of such Code, as so amended, is amended by striking out "and" at the end of subparagraph (A), by striking out "over" at the end of subparagraph (B) and inserting in lieu thereof "and", and by adding at the end thereof the following new subparagraph:

"(C) the environmental tax imposed by section 59A, over".

(ii) Subsection (a) of section 6154 of such Code is amended by striking out "section 11" and inserting "section 11, 59A,".

(C) Conforming amendment to overpayment of estimated tax.—Subparagraph (A) of section 6425(c)(1) of such Code, as amended by the Tax Reform Act of 1986, is amended by striking out "plus" at the end of clause (i), by striking out "over" at the end of clause (ii) and inserting in lieu thereof "plus", and by adding at the end thereof the following new clause:

"(iii) the tax imposed by section 59A, over".

(D) CONFORMING AMENDMENT TO PENALTY FOR FAILURE TO PAY ESTIMATED TAX.—Paragraph (1) of section 6655(f) of such Code (defining tax), as so amended, is amended by striking out "plus" at the end of subparagraph (A), by striking out "over" at the end of subparagraph (B) and inserting in lieu thereof "plus", and by adding at the end thereof the following new subparagraph:

"(C) the tax imposed by section 59A, over".

(5) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part VII. Environmental tax."

100 STAT. 1772

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986. 26 USC 26 note.

SEC. 517. HAZARDOUS SUBSTANCE SUPERFUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding after section 9506 the following new section:

"SEC. 9507. HAZARDOUS SUBSTANCE SUPERFUND. 26 USC 9507.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Hazardous Substance Superfund' (hereinafter in this section referred to as the 'Superfund'), consisting of such amounts as may be—

"(1) appropriated to the Superfund as provided in this section,

"(2) appropriated to the Superfund pursuant to section 517(b) of the Superfund Revenue Act of 1986, or *Infra.*

"(3) credited to the Superfund as provided in section 9602(b).

"(b) TRANSFERS TO SUPERFUND.—There are hereby appropriated to the Superfund amounts equivalent to—

"(1) the taxes received in the Treasury under section 59A, 4611, 4661, or 4671 (relating to environmental taxes), *Ante*, p. 1770.

"(2) amounts recovered on behalf of the Superfund under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (hereinafter in this section referred to as 'CERCLA'), 42 USC 9601 note.

"(3) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act, 33 USC 1321.

"(4) penalties assessed under title I of CERCLA, and 42 USC 9601.

"(5) punitive damages under section 107(c)(3) of CERCLA. 42 USC 9607.

"(c) EXPENDITURES FROM SUPERFUND.—

"(1) IN GENERAL.—Amounts in the Superfund shall be available, as provided in appropriation Acts, only for purposes of making expenditures—

"(A) to carry out the purposes of—

"(i) paragraphs (1), (2), (5), and (6) of section 111(a) of CERCLA as in effect on the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986, *Ante*, p. 1642.

"(ii) section 111(c) of CERCLA (as so in effect), other than paragraphs (1) and (2) thereof, and

"(iii) section 111(m) of CERCLA (as so in effect), or

"(B) hereafter authorized by a law which does not authorize the expenditure out of the Superfund for a general purpose not covered by subparagraph (A) (as so in effect).

"(2) EXCEPTION FOR CERTAIN TRANSFERS, ETC., OF HAZARDOUS SUBSTANCES.—No amount in the Superfund or derived from the Superfund shall be available or used for the transfer or disposal of hazardous waste carried out pursuant to a cooperative agreement between the Administrator of the Environmental Protection Agency and a State if the following conditions apply— Waste disposal.

"(A) the transfer or disposal, if made on December 13, 1985, would not comply with a State or local requirement,

42 USC 6925.

"(B) the transfer is to a facility for which a final permit under section 3005(a) of the Solid Waste Disposal Act was issued after January 1, 1983, and before November 1, 1984, and

California.

"(C) the transfer is from a facility identified as the McColl Site in Fullerton, California.

"(d) AUTHORITY TO BORROW.—

Appropriation authorization.

"(1) IN GENERAL.—There are authorized to be appropriated to the Superfund, as repayable advances, such sums as may be necessary to carry out the purposes of the Superfund.

"(2) LIMITATION ON AGGREGATE ADVANCES.—The maximum aggregate amount of repayable advances to the Superfund which is outstanding at any one time shall not exceed an amount equal to the amount which the Secretary estimates will be equal to the sum of the amounts appropriated to the Superfund under subsection (b)(1) during the following 24 months.

"(3) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made to the Superfund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Superfund.

"(B) FINAL REPAYMENT.—No advance shall be made to the Superfund after December 31, 1991, and all advances to such Fund shall be repaid on or before such date.

"(C) RATE OF INTEREST.—Interest on advances made to the Superfund shall be at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

"(e) LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.—

Claims.

"(1) GENERAL RULE.—Any claim filed against the Superfund may be paid only out of the Superfund.

42 USC 9601 note.

"(2) COORDINATION WITH OTHER PROVISIONS.—Nothing in CERCLA or the Superfund Amendments and Reauthorization Act of 1986 (or in any amendment made by either of such Acts) shall authorize the payment by the United States Government of any amount with respect to any such claim out of any source other than the Superfund.

"(3) ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.—If at any time the Superfund has insufficient funds to pay all of the claims payable out of the Superfund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined."

26 USC 9507 note.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Hazardous Substance Superfund for fiscal year—

(1) 1987, $250,000,000,
(2) 1988, $250,000,000,
(3) 1989, $250,000,000,
(4) 1990, $250,000,000, and
(5) 1991, $250,000,000,

plus for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under this subsec-

100 STAT. 1774

tion (and paragraph (2) of section 221(b) of the Hazardous Substance Response Act of 1980, as in effect before its repeal) as has not been appropriated before the beginning of the fiscal year involved. 42 USC 9631.

(c) Conforming Amendments.—

(1) Subtitle B of the Hazardous Substance Response Revenue Act of 1980 (relating to establishment of Hazardous Substance Response Trust Fund), as amended by section 204 of this Act, is hereby repealed. 42 USC 9631–9633.

(2) Paragraph (11) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows: 42 USC 9601.

"(11) The term 'Fund' or 'Trust Fund' means the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986." 26 USC 9507.

(d) Clerical Amendment.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9506 the following new item:

"Sec. 9507. Hazardous Substance Superfund."

(e) Effective Date.— 26 USC 9507 note.

(1) In general.—The amendments made by this section shall take effect on January 1, 1987.

(2) Superfund treated as continuation of old trust fund.—The Hazardous Substance Superfund established by the amendments made by this section shall be treated for all purposes of law as a continuation of the Hazardous Substance Response Trust Fund established by section 221 of the Hazardous Substance Response Revenue Act of 1980. Any reference in any law to the Hazardous Substance Response Trust Fund established by such section 221 shall be deemed to include (wherever appropriate) a reference to the Hazardous Substance Superfund established by the amendments made by this section. 42 USC 9631.

PART II—LEAKING UNDERGROUND STORAGE TANK TRUST FUND AND ITS REVENUE SOURCES

SEC. 521. ADDITIONAL TAXES ON GASOLINE, DIESEL FUEL, SPECIAL MOTOR FUELS, FUELS USED IN AVIATION, AND FUELS USED IN COMMERCIAL TRANSPORTATION ON INLAND WATERWAYS.

(a) General Rule.—

(1) Gasoline.—

(A) Gasoline tax before amendment by tax reform act of 1986.—

(i) In general.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline), as in effect on the day before the date of the enactment of the Tax Reform Act of 1986, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following: 26 USC 4081.

"(a) In General.—There is hereby imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax at the rate specified in subsection (b).

"(b) Rate of Tax.—

"(1) In general.—The rate of the tax imposed by this section is the sum of—

"(A) the Highway Trust Fund financing rate, and

100 STAT. 1775

"(B) the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) Rates.—For purposes of paragraph (1)—

"(A) the Highway Trust Fund financing rate is 9 cents a gallon, and

"(B) the Leaking Underground Storage Tank Trust Fund financing rate is 0.1 cents a gallon."

Ante, p. 1774.

(ii) Termination.—Section 4081 of such Code, as so in effect, is amended by adding at the end thereof the following new subsection:

"(d) Termination.—

"(1) Highway trust fund financing rate.—On and after October 1, 1988, the Highway Trust Fund financing rate under subsection (b)(2)(A) shall not apply.

"(2) Leaking underground storage tank trust fund financing rate.—

"(A) In general.—The Leaking Underground Storage Tank Trust Fund financing rate under subsection (b)(2)(B) shall not apply after the earlier of—

"(i) December 31, 1991, or

"(ii) the last day of the termination month.

"(B) Termination month.—For purposes of subparagraph (A), the termination month is the 1st month as of the close of which the Secretary estimates that the net revenues from the taxes imposed by this section (to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under subsection (b)(2)(B)), section 4041(d), and section 4042 (to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under section 4042(b)) are at least $500,000,000.

Post, p. 1776.

Post, p. 1777.

"(C) Net revenues.—For purposes of subparagraph (B), the term 'net revenues' means the excess of gross revenues over amounts payable by reason of section 9508(c)(2) (relating to transfer from Leaking Underground Storage Tank Trust Fund for certain repayments and credits)."

(iii) Technical amendments.—Subsection (c) of section 4081 of such Code, as so in effect, is amended—

(I) by striking out "subsection (a)" in paragraph (1) and inserting in lieu thereof "subsection (b)", and

(II) by striking out "a rate" in paragraph (2) and inserting in lieu thereof "a Highway Trust Fund financing rate".

(B) Gasoline tax as amended by tax reform act of 1986.—

(i) In general.—Subsections (a) and (b) of section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline), as amended by the Tax Reform Act of 1986, are each amended by striking out "of 9 cents a gallon" and inserting in lieu thereof "at the rate specified in subsection (d)".

(ii) Increase in tax.—Section 4081 of such Code, as amended by the Tax Reform Act of 1986, is amended by striking out subsection (d) and inserting in lieu thereof the following new subsections:

100 STAT. 1776

"(d) Rate of Tax.—

"(1) In general.—The rate of the tax imposed by this section is the sum of—

"(A) the Highway Trust Fund financing rate, and

"(B) the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) Rates.—For purposes of paragraph (1)—

"(A) the Highway Trust Fund financing rate is 9 cents a gallon, and

"(B) the Leaking Underground Storage Tank Trust Fund financing rate is 0.1 cents a gallon.

"(e) Termination.—

"(1) Highway trust fund financing rate.—On and after October 1, 1988, the Highway Trust Fund financing rate under subsection (d)(2)(A) shall not apply.

"(2) Leaking underground storage tank trust fund financing rate.—

"(A) In general.—The Leaking Underground Storage Tank Trust Fund financing rate under subsection (d)(2)(B) shall not apply after the earlier of—

"(i) December 31, 1991, or

"(ii) the last day of the termination month.

"(B) Termination month.—For purposes of subparagraph (A), the termination month is the 1st month as of the close of which the Secretary estimates that the net revenues from the taxes imposed by this section (to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under subsection (d)(2)(B)), section 4041(d), and section 4042 (to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under section 4042(b)) are at least $500,000,000.

Infra; 26 USC 4042.

Post, p. 1777.

"(C) Net revenues.—For purposes of subparagraph (B), the term 'net revenues' means the excess of gross revenues over amounts payable by reason of section 9508(c)(2) (relating to transfer from Leaking Underground Storage Tank Trust Fund for certain repayments and credits)."

(iii) Technical amendments.—Subsection (c) of section 4081 of such Code, as amended by the Tax Reform Act of 1986, is amended—

(I) by striking out "subsection (a)" in paragraph (1) and inserting in lieu thereof "subsection (d)", and

(II) by striking out "a rate" in paragraph (2) and inserting in lieu thereof "a Highway Trust Fund financing rate".

(2) Diesel and special motor fuels; fuels used in aviation.—Section 4041 of such Code (relating to tax on special fuels) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Additional Taxes To Fund Leaking Underground Storage Tank Trust Fund.—

"(1) Liquids other than gasoline, etc., used in motor vehicles, motorboats, or trains.—In addition to the taxes imposed by subsection (a), there is hereby imposed a tax of 0.1 cents a gallon on benzol, benzene, naphtha, casing head and natural gasoline, or any other liquid (other than kerosene, gas oil, liquefied petroleum gas, or fuel oil, or any product taxable under section 4081)—

100 STAT. 1777

26 USC 4081

"(A) sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or train for use as a fuel in such motor vehicle, motorboat, or train, or

"(B) used by any person as a fuel in a motor vehicle, motorboat, or train unless there was a taxable sale of such liquid under subparagraph (A).

"(2) Liquids used in aviation.—In addition to the taxes imposed by subsection (c) and section 4081, there is hereby imposed a tax of 0.1 cents a gallon on any liquid—

"(A) sold by any person to an owner, lessee, or other operator of an aircraft for use as a fuel in such aircraft, or

"(B) used by any person as a fuel in an aircraft unless there was a taxable sale of such liquid under subparagraph (A).

The tax imposed by this paragraph shall not apply to any product taxable under section 4081 which is used as a fuel in an aircraft other than in noncommercial aviation.

"(3) Termination.—The taxes imposed by this subsection shall not apply during any period during which the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 does not apply."

(3) FUEL USED IN COMMERCIAL TRANSPORTATION ON INLAND WATERWAYS.—Subsection (b) of section 4042 of such Code (relating to amount of tax on fuel used in commercial transportation on inland waterways) is amended to read as follows:

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The rate of the tax imposed by subsection (a) is the sum of—

"(A) the Inland Waterways Trust Fund financing rate, and

"(B) the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) RATES.—For purposes of paragraph (1)—

"(A) the Inland Waterways Trust Fund financing rate is 10 cents a gallon, and

"(B) the Leaking Underground Storage Tank Trust Fund financing rate is 0.1 cents a gallon.

"(3) EXCEPTION FOR FUEL TAXED UNDER SECTION 4041(d).—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax under section 4041(d) was imposed on the sale of such fuel or is imposed on such use.

Ante, p. 1776.

"(4) TERMINATION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply during any period during which the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 does not apply."

(b) ADDITIONAL TAXES NOT TRANSFERRED TO HIGHWAY TRUST FUND, AIRPORT AND AIRWAY TRUST FUND, AND INLAND WATERWAYS TRUST FUND.—

(1) HIGHWAY TRUST FUND.—

(A) IN GENERAL.—Subsection (b) of section 9503 of such Code (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by adding at the end thereof the following new paragraph:

"(4) CERTAIN ADDITIONAL TAXES NOT TRANSFERRED TO HIGHWAY TRUST FUND.—For purposes of paragraphs (1) and (2), there shall not be taken into account the taxes imposed by section 4041(d) and so much of the taxes imposed by section 4081 as is attributable to the Leaking Underground Storage Tank Trust Fund financing rate."

Ante, p. 1776.
26 USC 4081.

(B) CONFORMING AMENDMENT.—Subparagraph (D) of section 9503(c)(4) of such Code (defining motorboat fuel taxes) is amended by striking out "section 4081" and inserting in lieu thereof "section 4081 (to the extent attributable to the Highway Trust Fund financing rate)".

(2) AIRPORT AND AIRWAY TRUST FUND.—Subsection (b) of section 9502 of such Code (relating to transfer to Airport and Airway Trust Fund of amounts equivalent to certain taxes) is amended—

(A) by striking out "subsections (c) and (d) of section 4041" in paragraph (1) and inserting in lieu thereof "subsections (c) and (e) of section 4041", and

(B) by striking out "section 4081" in paragraph (2) and inserting in lieu thereof "section 4081 (to the extent attributable to the Highway Trust Fund financing rate)".

(3) INLAND WATERWAYS TRUST FUND.—Paragraph (1) of section 9506(b) of such Code is amended by adding at the end thereof the following new sentence: "The preceding sentence shall apply only to so much of such taxes as are attributable to the Inland Waterways Trust Fund financing rate under section 4042(b)."

(c) REPAYMENTS FOR GASOLINE USED ON FARMS, ETC.—

(1) GASOLINE USED ON FARMS.—Subsection (h) of section 6420 of such Code (relating to termination) is amended by striking

out "This section" and inserting in lieu thereof "Except with respect to taxes imposed by section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate, this section".

(2) GASOLINE USED FOR CERTAIN NONHIGHWAY PURPOSES OR BY LOCAL TRANSIT SYSTEMS.—

(A) TERMINATION NOT TO APPLY TO ADDITIONAL 0.1 CENT TAX.—Subsection (h) of section 6421 of such Code (relating to effective date), as in effect on the day before the date of the enactment of the Tax Reform Act of 1986, is amended by striking out "This section" and inserting in lieu thereof "Except with respect to taxes imposed by section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate, this section".

(B) REPAYMENT OF ADDITIONAL TAX FOR OFF-HIGHWAY BUSINESS USE TO APPLY ONLY TO CERTAIN VESSELS.—Subsection (e) of section 6421 of such Code, as so in effect, is amended by adding at the end thereof the following new paragraph:

"(4) SECTION NOT TO APPLY TO CERTAIN OFF-HIGHWAY BUSINESS USES WITH RESPECT TO THE TAX IMPOSED BY SECTION 4081 AT THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—This section shall not apply with respect to the tax imposed by section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate on gasoline used in any off-highway business use other than use in a vessel employed in the fisheries or in the whaling business." Fish and fishing.

100 STAT. 1779

(3) FUELS USED FOR NONTAXABLE PURPOSES.—

(A) Subsection (m) of section 6427 of such Code (relating to termination), as in effect on the day before the date of the enactment of the Tax Reform Act of 1986, is amended by striking out "Subsections" and inserting in lieu thereof "Except with respect to taxes imposed by section 4041(d) and section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate, subsections". 26 USC 6427. Ante, p. 1776.

(B)(i) Section 6427 of such Code, as so in effect, is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) PAYMENTS FOR TAXES IMPOSED BY SECTION 4041(d).—For purposes of subsections (a), (b), and (c), the taxes imposed by section 4041(d) shall be treated as imposed by section 4041(a)."

(ii) Subparagraph (A) of section 1703(e)(1) of the Tax Reform Act of 1986 is amended— 26 USC 6427.

(I) by striking out "and (o)" and inserting in lieu thereof "(o), and (p)", and

(II) by striking out "and (n)" and inserting in lieu thereof "(n), and (o)".

(C) Paragraph (1) of section 6427(f) of such Code (relating to gasoline used to produce certain alcohol fuels) is amended by striking out "at the rate" and inserting in lieu thereof "at the Highway Trust Fund financing rate".

(d) CONTINUATION OF CERTAIN EXEMPTIONS FROM ADDITIONAL TAXES, ETC.—

(1) Subsection (b) of section 4041 of such Code (relating to exemption for off-highway business use; reduction in tax for qualified methanol and ethanol fuel) is amended by adding at the end thereof the following new paragraph:

"(3) COORDINATION WITH TAXES IMPOSED BY SUBSECTION (d).—

"(A) OFF-HIGHWAY BUSINESS USE.—

"(i) IN GENERAL.—Except as provided in clause (ii), rules similar to the rules of paragraph (1) shall apply with respect to the taxes imposed by subsection (d).

Vessels.
Fish and fishing.

"(ii) LIMITATION ON EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—For purposes of subparagraph (A), paragraph (1) shall apply only with respect to off-highway business use in a vessel employed in the fisheries or in the whaling business.

"(B) QUALIFIED METHANOL AND ETHANOL FUEL.—In the case of qualified methanol or ethanol fuel, subsection (d) shall be applied by substituting '0.05 cents' for '0.1 cents' in paragraph (1) thereof."

(2) Paragraph (3) of section 4041(f) of such Code (relating to exemption for farm use) is amended by striking out "On and after" and inserting in lieu thereof "Except with respect to the taxes imposed by subsection (d), on and after".

(3) The last sentence of section 4041(g) of such Code (relating to other exemptions) is amended by striking out "Paragraphs" and inserting in lieu thereof "Except with respect to the taxes imposed by subsection (d), paragraphs".

(4)(A) The last sentence of section 4221(a) of such Code (relating to certain tax-free sales) is amended by striking out "4081" and inserting in lieu thereof "4081 (at the Highway Trust Fund financing rate)".

26 USC 4221.

(B) Subparagraph (C) of section 1703(c)(2) of the Tax Reform Act of 1986 is amended to read as follows:

"(C) Subsection (a) of section 4221 (relating to certain tax-free sales) is amended—

"(i) by inserting 'or section 4081 (at the Highway Trust Fund financing rate)' before 'section 4121' in the 1st sentence, and

"(ii) by striking out '4071, or 4081 (at the Highway Trust Fund financing rate)' in the last sentence and inserting in lieu thereof 'or 4071'."

(5) Paragraph (2) of section 6416(b) of such Code is amended by inserting "or under paragraph (1)(A) or (2)(A) of section 4041(d)" after "section 4041(a)".

26 USC 4041 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

SEC. 522. LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding after section 9507 the following new section:

26 USC 9508.

"SEC. 9508. LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Leaking Underground Storage Tank Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Leaking Underground Storage Tank Trust Fund amounts equivalent to—

"(1) taxes received in the Treasury under section 4041(d) (relating to additional taxes on motor fuels),

"(2) taxes received in the Treasury under section 4081 (relating to tax on gasoline) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section,

"(3) taxes received in the Treasury under section 4042 (relating to tax on fuel used in commercial transportation on inland waterways) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section, and

"(4) amounts received in the Treasury and collected under section 9003(h)(6) of the Solid Waste Disposal Act.

Ante, p. 1698.

"(c) Expenditures.—

"(1) In general.—Except as provided in paragraph (2), amounts in the Leaking Underground Storage Tank Trust Fund shall be available, as provided in appropriation Acts, only for purposes of making expenditures to carry out section 9003(h) of the Solid Waste Disposal Act as in effect on the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986.

"(2) Transfers from trust fund for certain repayments and credits.—

"(A) In general.—The Secretary shall pay from time to time from the Leaking Underground Storage Tank Trust Fund into the general fund of the Treasury amounts equivalent to—

"(i) amounts paid under—

"(I) section 6420 (relating to amounts paid in respect of gasoline used on farms),

26 USC 6420.

"(II) section 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems), and

"(III) section 6427 (relating to fuels not used for taxable purposes), and

"(ii) credits allowed under section 34, with respect to the taxes imposed by sections 4041(d) and 4081 (to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081).

Ante, p. 1776.

"(B) Transfers based on estimates.—Transfers under subparagraph (A) shall be made on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(d) Liability of the United States Limited to Amount in Trust Fund.—

Claims.

"(1) General rule.—Any claim filed against the Leaking Underground Storage Tank Trust Fund may be paid only out of such Trust Fund.

"(2) Coordination with other provisions.—Nothing in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the Superfund Amendments and Reauthorization Act of 1986 (or in any amendment made by either of such Acts) shall authorize the payment by the United States Government of any amount with respect to any such claim out of any source other than the Leaking Underground Storage Tank Trust Fund.

42 USC 9601 note.

"(3) Order in which unpaid claims are to be paid.—If at any time the Leaking Underground Storage Tank Trust Fund has insufficient funds to pay all of the claims out of such Trust Fund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined."

(b) Clerical Amendment.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9507 the following new item:

"Sec. 9508. Leaking Underground Storage Tank Trust Fund."

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1987.

26 USC 9508 note.

100 STAT. 1782

PART III—COORDINATION WITH OTHER PROVISIONS OF THIS ACT.

42 USC 9601 note.

SEC. 531. COORDINATION.

Notwithstanding any provision of this Act not contained in this title, any provision of this Act (not contained in this title) which—

(1) imposes any tax, premium, or fee,

(2) establishes any trust fund, or

(3) authorizes amounts to be expended from any trust fund,

shall have no force or effect.

Approved October 17, 1986.

LEGISLATIVE HISTORY—H.R. 2005 (H.R. 2817) (S. 51):

HOUSE REPORTS: No. 99-69 (Comm. on Ways and Means); No. 99-253, Pt. 1 (Comm. on Energy and Commerce), Pt. 2 (Comm. on Ways and Means), Pt. 3 (Comm. on the Judiciary), Pt. 4 (Comm. on Merchant Marine and Fisheries), Pt. 5 (Comm. on Public Works and Transportation), all accompanying H.R. 2817; and No. 99-962 (Comm. of Conference).

SENATE REPORTS: No. 99-11 (Comm. on Environment and Public Works) and No. 99-73 (Comm. on Finance), both accompanying S. 51.

CONGRESSIONAL RECORD:
Vol. 131 (1985): May 14, considered and passed House.
Sept. 17-20, 24, 26, considered and passed Senate, amended, in lieu of S. 51.
Dec. 5, 6, 10, H.R. 2817 considered and passed House; House agreed to Senate amendments to H.R. 2005 with amendments, inserting in lieu the text and title of H.R. 2817.
Vol. 132 (1986): Oct. 3, Senate agreed to conference report.
Oct. 8, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
Oct. 17, Presidential statement.

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100 STAT. 1847

Public Law 99-507
99th Congress

An Act

Oct. 21, 1986
[H.R. 4212]

To provide for the reauthorization of the Deep Seabed Hard Mineral Resources Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Deep Seabed Hard Mineral Resources Reauthorization Act of 1986.
30 USC 1401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deep Seabed Hard Mineral Resources Reauthorization Act of 1986".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1470) is amended—

(1) by striking out "and" immediately after "1984," and

(2) by inserting ", and $1,500,000 for each of the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989" immediately before the period at the end thereof.

Approved October 21, 1986.

LEGISLATIVE HISTORY—H.R. 4212:

HOUSE REPORTS: No. 99-609, Pt. 1 (Comm. on Interior and Insular Affairs) and Pt. 2 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 99-460 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 132 (1986):
July 21, considered and passed House.
Oct. 8, considered and passed Senate.

Public Law 99–516
99th Congress

100 STAT. 2965

An Act

To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal year 1987, and for other purposes.

Oct. 22, 1986
[H.R. 2092]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURAL GAS PIPELINE SAFETY AUTHORIZATION.

(a) In General.—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) $3,200,000 for the fiscal year ending September 30, 1987.".

(b) Grants.—Section 17(c) of such Act (49 U.S.C. App. 1684(c)) is amended by inserting ", and $5,200,000 for the fiscal year ending September 30, 1987" after "September 30, 1986".

SEC. 2. HAZARDOUS LIQUID PIPELINE SAFETY AUTHORIZATION.

Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) $800,000 for the fiscal year ending September 30, 1987.".

SEC. 3. REPORTING OF SAFETY-RELATED CONDITIONS.

(a) Amendments to Natural Gas Pipeline Safety Act of 1968.—

(1) Reporting requirement.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)) is amended by adding at the end the following new paragraph:

Regulations.

"(3) Not later than 12 months after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring each person who operates pipeline facilities, not including master meters, to report to the Secretary—

"(A) any condition that constitutes a hazard to life or property, and

"(B) any safety-related condition that causes or has caused a significant change or restriction in the operation of pipeline facilities.

State and local governments.

Reports submitted under this paragraph shall be in writing and shall be received by the Secretary within 5 working days after any representative of a person subject to the reporting requirements of this paragraph first determines that such condition exists. Notice of any such condition shall concurrently be supplied to appropriate State authorities.".

100 STAT. 2966

(2) Inspection and maintenance plans.—Section 13 of such Act (49 U.S.C. App. 1680) is amended by inserting after the fourth sentence the following: "Such plan shall include terms designed to enhance the ability to discover safety-related conditions described in section 3(a)(3)."

(b) Amendments to Hazardous Liquid Pipeline Safety Act of 1979.—

(1) Reporting requirement.—Section 203(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(a)) is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

Regulations.

"(2) Not later than 12 months after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring each person who operates pipeline facilities to report to the Secretary—

"(A) any condition that constitutes a hazard to life or property, and

"(B) any safety-related condition that causes or has caused a significant change or restriction in the operation of pipeline facilities.

State and local governments.

Reports submitted under this paragraph shall be in writing and shall be received by the Secretary within 5 working days after any representative of a person subject to the reporting requirements of this paragraph first determines that such condition exists. Notice of any such condition shall concurrently be supplied to appropriate State authorities.".

(2) INSPECTION AND MAINTENANCE PLANS.—Section 210 of such Act (49 U.S.C. App. 2009) is amended by inserting after the last sentence the following: "Such plans shall include terms designed to enhance the ability to discover safety-related conditions described in section 203(a)(2)."

49 USC app. 2002.

Approved October 22, 1986.

LEGISLATIVE HISTORY—H.R. 2092:

HOUSE REPORTS: No. 99-121, Pt. 1 (Comm. on Public Works and Transportation), Pt. 2 (Comm. on Energy and Commerce), Pt. 3 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 132 (1986):

Sept. 16, considered and passed House.

Oct. 8, considered and passed Senate.

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100 STAT. 2970

Public Law 99-519
99th Congress

An Act

Oct. 22, 1986
[H.R. 5073]

To amend the Toxic Substances Control Act to require the Environmental Protection Agency to promulgate regulations requiring inspection for asbestos-containing material in the Nation's schools, development of asbestos management plans for such schools, response actions with respect to friable asbestos-containing material in such schools, and for other purposes.

Asbestos Hazard Emergency Response Act of 1986.
Environmental protection.
15 USC 2601 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asbestos Hazard Emergency Response Act of 1986".

15 USC 2601 note.

SEC. 2. AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.

The Toxic Substances Control Act is amended by adding at the end the following new title:

"TITLE II—ASBESTOS HAZARD EMERGENCY RESPONSE

15 USC 2641.

"SEC. 201. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) The Environmental Protection Agency's rule on local educational agency inspection for, and notification of, the presence of friable asbestos-containing material in school buildings includes neither standards for the proper identification of asbestos-containing material and appropriate response actions with respect to friable asbestos-containing material, nor a requirement that response actions with respect to friable asbestos-containing material be carried out in a safe and complete manner once actions are found to be necessary. As a result of the lack of regulatory guidance from the Environmental Protection Agency, some schools have not undertaken response action while many others have undertaken expensive projects without knowing if their action is necessary, adequate, or safe. Thus, the danger of exposure to asbestos continues to exist in schools, and some exposure actually may have increased due to the lack of Federal standards and improper response action.

"(2) There is no uniform program for accrediting persons involved in asbestos identification and abatement, nor are local educational agencies required to use accredited contractors for asbestos work.

"(3) The guidance provided by the Environmental Protection Agency in its 'Guidance for Controlling Asbestos-Containing Material in Buildings' is insufficient in detail to ensure adequate responses. Such guidance is intended to be used only until the regulations required by this title become effective.

"(4) Because there are no Federal standards whatsoever regulating daily exposure to asbestos in other public and commercial buildings, persons in addition to those comprising the Nation's school population may be exposed daily to asbestos. 100 STAT. 2971

"(b) PURPOSE.—The purpose of this title is—

"(1) to provide for the establishment of Federal regulations which require inspection for asbestos-containing material and implementation of appropriate response actions with respect to asbestos-containing material in the Nation's schools in a safe and complete manner;

"(2) to mandate safe and complete periodic reinspection of school buildings following response actions, where appropriate; and

"(3) to require the Administrator to conduct a study to find out the extent of the danger to human health posed by asbestos in public and commercial buildings and the means to respond to any such danger.

"SEC. 202. DEFINITIONS. 15 USC 2642.

"For purposes of this title—

"(1) ACCREDITED ASBESTOS CONTRACTOR.—The term 'accredited asbestos contractor' means a person accredited pursuant to the provisions of section 206.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(3) ASBESTOS.—The term 'asbestos' means asbestiform varieties of—

"(A) chrysotile (serpentine),
"(B) crocidolite (riebeckite),
"(C) amosite (cummingtonite-grunerite),
"(D) anthophyllite,
"(E) tremolite, or
"(F) actinolite.

"(4) ASBESTOS-CONTAINING MATERIAL.—The term 'asbestos-containing material' means any material which contains more than 1 percent asbestos by weight.

"(5) EPA GUIDANCE DOCUMENT.—The term 'Guidance for Controlling Asbestos-Containing Material in Buildings', means the Environmental Protection Agency document with such title as in effect on March 31, 1986.

"(6) FRIABLE ASBESTOS-CONTAINING MATERIAL.—The term 'friable asbestos-containing material' means any asbestos-containing material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable asbestos-containing material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"(7) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means—

"(A) any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381),

20 USC 2854.

"(B) the owner of any private, nonprofit elementary or secondary school building, and

"(C) the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(8) MOST CURRENT GUIDANCE DOCUMENT.—The term 'most current guidance document' means the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Material in Buildings' as modified by the Environmental Protection Agency after March 31, 1986.

"(9) NON-PROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'non-profit elementary or secondary school' means any elementary or secondary school (as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854)) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(10) PUBLIC AND COMMERCIAL BUILDING.—The term 'public and commercial building' means any building which is not a school building, except that the term does not include any residential apartment building of fewer than 10 units.

"(11) RESPONSE ACTION.—The term 'response action' means methods that protect human health and the environment from asbestos-containing material. Such methods include methods described in chapters 3 and 5 of the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Materials in Buildings'.

"(12) SCHOOL.—The term 'school' means any elementary or secondary school as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854).

"(13) SCHOOL BUILDING.—The term 'school building' means—

"(A) any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food,

"(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education,

"(C) any other facility used for the instruction of students or for the administration of educational or research programs, and

"(D) any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in subparagraphs (A), (B), or (C).

"(14) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, and the Virgin Islands.

15 USC 2643.
Health and medical care.

"SEC. 203. EPA REGULATIONS.

"(a) IN GENERAL.—Within 360 days after the date of the enactment of this title, the Administrator shall promulgate regulations as described in subsections (b) through (i). With respect to regulations described in subsections (b), (c), (d), (e), (f), (g), and (i), the Administrator shall issue an advanced notice of proposed rulemaking within 60 days after the date of the enactment of this title, and shall propose regulations within 180 days after such date. Any regulation promulgated under this section must protect human health and the environment.

"(b) INSPECTION.—The Administrator shall promulgate regulations which prescribe procedures, including the use of personnel accredited under section 206(b) or 206(c) and laboratories accredited under section 206(d), for determining whether asbestos-containing material is present in a school building under the authority of a local educational agency. The regulations shall provide for the exclusion of any school building, or portion of a school building, if (1) an inspection of such school building (or portion) was completed before the effective date of the regulations, and (2) the inspection meets the procedures and other requirements of the regulations under this title or of the 'Guidance for Controlling Asbestos-Containing Materials in Buildings' (unless the Administrator determines that an inspection in accordance with the guidance document is inadequate). The regulations shall require inspection of any school building (or portion of a school building) that is not excluded by the preceding sentence.

"(c) CIRCUMSTANCES REQUIRING RESPONSE ACTIONS.—(1) The Administrator shall promulgate regulations which define the appropriate response action in a school building under the authority of a local educational agency in at least the following circumstances:

"(A) DAMAGE.—Circumstances in which friable asbestos-containing material or its covering is damaged, deteriorated, or delaminated.

"(B) SIGNIFICANT DAMAGE.—Circumstances in which friable asbestos-containing material or its covering is significantly damaged, deteriorated, or delaminated.

"(C) POTENTIAL DAMAGE.—Circumstances in which—

"(i) friable asbestos-containing material is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

"(ii) there is a reasonable likelihood that the material or its covering will become damaged, deteriorated, or delaminated.

"(D) POTENTIAL SIGNIFICANT DAMAGE.—Circumstances in which—

"(i) friable asbestos-containing material is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

"(ii) there is a reasonable likelihood that the material or its covering will become significantly damaged, deteriorated, or delaminated.

"(2) In promulgating such regulations, the Administrator shall consider and assess the value of various technologies intended to improve the decisionmaking process regarding response actions and the quality of any work that is deemed necessary, including air monitoring and chemical encapsulants.

"(d) RESPONSE ACTIONS.—

Health and medical care.

"(1) IN GENERAL.—The Administrator shall promulgate regulations describing a response action in a school building under the authority of a local educational agency, using the least burdensome methods which protect human health and the environment. In determining the least burdensome methods, the Administrator shall take into account local circumstances, including occupancy and use patterns within the school building and short- and long-term costs.

100 STAT. 2974

"(2) **Response action for damaged asbestos.**—In the case of a response action for the circumstances described in subsection (c)(1)(A), methods for responding shall include methods identified in chapters 3 and 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings'.

"(3) **Response action for significantly damaged asbestos.**—In the case of a response action for the circumstances described in subsection (c)(1)(B), methods for responding shall include methods identified in chapter 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings'.

"(4) **Response action for potentially damaged asbestos.**—In the case of a response action for the circumstances described in subsection (c)(1)(C), methods for responding shall include methods identified in chapters 3 and 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings', unless preventive measures will eliminate the reasonable likelihood that the asbestos-containing material will become damaged, deteriorated, or delaminated.

"(5) **Response action for potentially significantly damaged asbestos.**—In the case of a response action for the circumstances described in subsection (c)(1)(D), methods for responding shall include methods identified in chapter 5 of the 'Guidance for Controlling Asbestos-Containing Material in Buildings', unless preventive measures will eliminate the reasonable likelihood that the asbestos-containing material will become significantly damaged, deteriorated, or delaminated.

"(6) **Preventive measures defined.**—For purposes of this section, the term 'preventive measures' means actions which eliminate the reasonable likelihood of asbestos-containing material becoming damaged, deteriorated, or delaminated, or significantly damaged deteriorated, or delaminated (as the case may be) or which protect human health and the environment.

"(e) **Implementation.**—The Administrator shall promulgate regulations requiring the implementation of response actions in school buildings under the authority of a local educational agency and, where appropriate, for the determination of when a response action is completed. Such regulations shall include standards for the education and protection of both workers and building occupants for the following phases of activity:

"(1) Inspection.

"(2) Response Action.

"(3) Post-response action, including any periodic reinspection of asbestos-containing material and long-term surveillance activity.

"(f) **Operations and Maintenance.**—The Administrator shall promulgate regulations to require implementation of an operations and maintenance and repair program as described in chapter 3 of the 'Guidance for Controlling Asbestos-Containing Materials in Buildings' for all friable asbestos-containing material in a school building under the authority of a local educational agency.

"(g) **Periodic Surveillance.**—The Administrator shall promulgate regulations to require the following:

"(1) An identification of the location of friable and non-friable asbestos in a school building under the authority of a local educational agency.

"(2) Provisions for surveillance and periodic reinspection of such friable and non-friable asbestos.

100 STAT. 2975

Education.
Safety.

"(3) Provisions for education of school employees, including school service and maintenance personnel, about the location of and safety procedures with respect to such friable and non-friable asbestos.

Health and medical care.

"(h) **Transportation and Disposal.**—The Administrator shall promulgate regulations which prescribe standards for transportation and disposal of asbestos-containing waste material to protect human health and the environment. Such regulations shall include such provisions related to the manner in which transportation vehicles are loaded and unloaded as will assure the physical integrity of containers of asbestos-containing waste material.

"(i) Management Plans.—

"(1) In general.—The Administrator shall promulgate regulations which require each local educational agency to develop an asbestos management plan for school buildings under its authority, to begin implementation of such plan within 990 days after the date of the enactment of this title, and to complete implementation of such plan in a timely fashion. The regulations shall require that each plan include the following elements, wherever relevant to the school building:

"(A) An inspection statement describing inspection and response action activities carried out before the date of the enactment of this title.

"(B) A description of the results of the inspection conducted pursuant to regulations under subsection (b), including a description of the specific areas inspected.

"(C) A detailed description of measures to be taken to respond to any friable asbestos-containing material pursuant to the regulations promulgated under subsections (c), (d), and (e), including the location or locations at which a response action will be taken, the method or methods of response action to be used, and a schedule for beginning and completing response actions.

"(D) A detailed description of any asbestos-containing material which remains in the school building once response actions are undertaken pursuant to the regulations promulgated under subsections (c), (d), and (e).

"(E) A plan for periodic reinspection and long-term surveillance activities developed pursuant to regulations promulgated under subsection (g), and a plan for operations and maintenance activities developed pursuant to regulations promulgated under subsection (f).

"(F) With respect to the person or persons who inspected for asbestos-containing material and who will design or carry out response actions with respect to the friable asbestos-containing material, one of the following statements:

"(i) If the State has adopted a contractor accreditation plan under section 206(b), a statement that the person (or persons) is accredited under such plan.

"(ii) A statement that the local educational agency used (or will use) persons who have been accredited by another State which has adopted a contractor accreditation plan under section 206(b) or is accredited pursuant to an Administrator-approved course under section 206(c).

"(G) A list of the laboratories that analyzed any bulk samples of asbestos-containing material found in the school building or air samples taken to detect asbestos in the school building and a statement that each laboratory has been accredited pursuant to the accreditation program under section 206(d).

100 STAT. 2976

"(H) With respect to each consultant who contributed to the management plan, the name of the consultant and one of the following statements:

"(i) If the State has adopted a contractor accreditation plan under section 206(b), a statement that the consultant is accredited under such plan.

"(ii) A statement that the contractor is accredited by another State which has adopted a contractor accreditation plan under section 206(b) or is accredited pursuant to an Administrator-approved course under section 206(c).

"(I) An evaluation of resources needed to successfully complete response actions and carry out reinspection, surveillance, and operation and maintenance activities.

"(2) Statement by contractor.—A local educational agency may require each management plan to contain a statement signed by an accredited asbestos contractor that such contractor has prepared or assisted in the preparation of such plan, or has reviewed such plan, and that such plan is in compliance with the applicable regulations and standards promulgated or adopted pursuant to this section and other applicable provisions of law. Such a statement may not be signed by a contractor who, in addition to preparing or assisting in preparing the management plan, also implements (or will implement) the management plan.

"(3) Warning labels.—(A) The regulations shall require that each local educational agency which has inspected for and discovered any asbestos-containing material with respect to a school building shall attach a warning label to any asbestos-containing material still in routine maintenance areas (such as boiler rooms) of the school building, including—

"(i) friable asbestos-containing material which was responded to by a means other than removal, and

"(ii) asbestos-containing material for which no response action was carried out.

"(B) The warning label shall read, in print which is readily visible because of large size or bright color, as follows: '**CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT.**'

"(4) Plan may be submitted in stages.—A local educational agency may submit a management plan in stages, with each submission of the agency covering only a portion of the school buildings under the agency's authority, if the agency determines that such action would expedite the identification and abatement of hazardous asbestos-containing material in the school buildings under the authority of the agency.

"(5) Public availability.—A copy of the management plan developed under the regulations shall be available in the administrative offices of the local educational agency for inspection by the public, including teachers, other school personnel, and parents. The local educational agency shall notify parent, teacher, and employee organizations of the availability of such plan.

100 STAT. 2977

"(6) Submission to state governor.—Each plan developed under this subsection shall be submitted to the State Governor under section 205.

Health and medical care.

"(j) Changes in Regulations.—Changes may be made in the regulations promulgated under this section only by rule in accordance with section 553 of title 5, United States Code. Any such change must protect human health and the environment.

Health and medical care.

"(k) Changes in Guidance Document.—Any change made in the 'Guidance for Controlling Asbestos-Containing Material in Buildings' shall be made only by rule in accordance with section 553 of title 5, United States Code, unless a regulation described in this section dealing with the same subject matter is in effect. Any such change must protect human health and the environment.

"(l) Treatment of Department of Defense Schools.—

"(1) Secretary to act in lieu of governor.—In the administration of this title, any function, duty, or other responsibility imposed on a Governor of a State shall be carried out by the Secretary of Defense with respect to any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

Defense and national security.

"(2) Regulations.—The Secretary of Defense, in cooperation with the Administrator, shall, to the extent feasible and consistent with the national security, take such action as may be necessary to provide for the identification, inspection, and management (including abatement) of asbestos in any building used by the Department of Defense as an overseas school for dependents of members of the Armed Forces. Such identification, inspection, and management (including abatement) shall, subject to the preceding sentence, be carried out in a manner comparable to the manner in which a local educational agency is required to carry out such activities with respect to a school building under this title.

"(m) WAIVER.—The Administrator, upon request by a Governor and after notice and comment and opportunity for a public hearing in the affected State, may waive some or all of the requirements of this section and section 204 with respect to such State if it has established and is implementing a program of asbestos inspection and management that contains requirements that are at least as stringent as the requirements of this section and section 204.

"SEC. 204. REQUIREMENTS IF EPA FAILS TO PROMULGATE REGULATIONS.

15 USC 2644.

"(a) IN GENERAL.—

"(1) FAILURE TO PROMULGATE.—If the Administrator fails to promulgate within the prescribed period—

"(A) regulations described in section 203(b) (relating to inspection);

"(B) regulations described in section 203 (c), (d), (e), (f), (g), and (i) (relating to responding to asbestos); or

"(C) regulations described in section 203(h) (relating to transportation and disposal);

each local educational agency shall carry out the requirements described in this section in subsection (b); subsections (c), (d), and (e); or subsection (f); respectively, in accordance with the Environmental Protection Agency's most current guidance document.

"(2) STAY BY COURT.— If the Administrator has promulgated regulations described in paragraph (1) (A), (B), or (C) within the prescribed period, but the effective date of such regulations has been stayed by a court for a period of more than 30 days, a local educational agency shall carry out the pertinent requirements described in this subsection in accordance with the Environmental Protection Agency's most current guidance document.

"(3) EFFECTIVE PERIOD.—The requirements of this section shall be in effect until such time as the Administrator promulgates the pertinent regulations or until the stay is lifted (as the case may be).

"(b) INSPECTION.—(1) Except as provided in paragraph (2), the local educational agency, within 540 days after the date of the enactment of this title, shall conduct an inspection for asbestos-containing material, using personnel accredited under section 206(b) or 206(c) and laboratories accredited under section 206(d), in each school building under its authority.

"(2) The local educational agency may exclude from the inspection requirement in paragraph (1) any school building, or portion of a school building, if (A) an inspection of such school building (or portion) was completed before the date on which this section goes into effect, and (B) the inspection meets the inspection requirements of this section.

"(c) OPERATION AND MAINTENANCE.—The local educational agency shall, within 720 days after the date of the enactment of this title, develop and begin implementation of an operation and maintenance plan with respect to friable asbestos-containing material in a school building under its authority. Such plan shall provide for the education of school service and maintenance personnel about safety procedures with respect to asbestos-containing material, including friable asbestos-containing material.

Education.
Safety.

"(d) MANAGEMENT PLAN.—

"(1) In general.—The local educational agency shall—

"(A) develop a management plan for responding to asbestos-containing material in each school building under its authority and submit such plan to the Governor under section 205 within 810 days after the date of the enactment of this title,

"(B) begin implementation of such plan within 990 days after the date of the enactment of this title, and

"(C) complete implementation of such plan in a timely fashion.

"(2) Plan requirements.—The management plan shall—

"(A) include the elements listed in section 203(i)(1), including an inspection statement as described in paragraph (3) of this section,

Labeling.

"(B) provide for the attachment of warning labels as described in section 203(i)(3),

"(C) be prepared in accordance with the most current guidance document,

"(D) meet the standard described in paragraph (4) for actions described in that paragraph, and

"(E) be submitted to the State Governor under section 205.

"(3) Inspection statement.—The local educational agency

100 STAT. 2979

shall complete an inspection statement, covering activities carried out before the date of the enactment of this title, which meets the following requirements:

"(A) The statement shall include the following information:

"(i) The dates of inspection.

"(ii) The name, address, and qualifications of each inspector.

"(iii) A description of the specific areas inspected.

"(iv) A list of the laboratories that analyzed any bulk samples of asbestos-containing material or air samples of asbestos found in any school building and a statement describing the qualifications of each laboratory.

"(v) The results of the inspection.

"(B) The statement shall state whether any actions were taken with respect to any asbestos-containing material found to be present, including a specific reference to whether any actions were taken in the boiler room of the building. If any such action was taken, the following items of information shall be included in the statement:

"(i) The location or locations at which the action was taken.

"(ii) A description of the method of action.

"(iii) The qualifications of the persons who conducted the action.

"(4) Standard.—The ambient interior concentration of asbestos after the completion of actions described in the most current guidance document, other than the type of action described in sections 203(f) and subsection (c) of this section, shall not exceed the ambient exterior concentration, discounting any contribution from any local stationary source. Either a scanning electron microscope or a transmission electron microscope shall be used to determine the ambient interior concentration. In the absence of reliable measurements, the ambient exterior concentration shall be deemed to be—

"(A) less than 0.003 fibers per cubic centimeter if a scanning electron microscope is used, and

"(B) less than 0.005 fibers per cubic centimeter if a transmission electron microscope is used.

"(5) Public availability.—A copy of the management plan shall be available in the administrative offices of the local educational agency for inspection by the public, including teachers, other school personnel, and parents. The local educational agency shall notify parent, teacher, and employee organizations of the availability of such plan.

"(e) BUILDING OCCUPANT PROTECTION.—The local educational agency shall provide for the protection of building occupants during each phase of activity described in this section.

"(f) TRANSPORTATION AND DISPOSAL.—The local educational agency shall provide for the transportation and disposal of asbestos in accordance with the most recent version of the Environmental Protection Agency's 'Asbestos Waste Management Guidance' (or any successor to such document).

"SEC. 205. SUBMISSION TO STATE GOVERNOR.

15 USC 2645.

"(a) SUBMISSION.—Within 720 days after the date of the enactment of this title (or within 810 days if there are no regulations under section 203(i)), a local educational agency shall submit a management plan developed pursuant to regulations promulgated under section 203(i) (or under section 204(d) if there are no regulations) to the Governor of the State in which the local educational agency is located.

"(b) GOVERNOR REQUIREMENTS.—Within 360 days after the date of the enactment of this title, the Governor of each State—

"(1) shall notify local educational agencies in the State of where to submit their management plans under this section, and

"(2) may establish administrative procedures for reviewing management plans submitted under this section.

If the Governor establishes procedures under paragraph (2), the Governor shall designate to carry out the reviews those State officials who are responsible for implementing environmental protection or other public health programs, or with authority over asbestos programs, in the State.

"(c) MANAGEMENT PLAN REVIEW.—

"(1) REVIEW OF PLAN.—The Governor may disapprove a management plan within 90 days after the date of receipt of the plan if the plan—

"(A) does not conform with the regulations under section 203(i) (or with section 204(d) if there are no regulations),

"(B) does not assure that contractors who are accredited pursuant to this title will be used to carry out the plan, or

"(C) does not contain a response action schedule which is reasonable and timely, taking into account circumstances relevant to the speed at which the friable asbestos-containing material in the school buildings under the local educational agency's authority should be responded to, including human exposure to the asbestos while the friable asbestos-containing material remains in the school building, and the ability of the local educational agency to continue to provide educational services to the community.

"(2) REVISION OF PLAN.—If the State Governor disapproves a plan, the State Governor shall explain in writing to the local educational agency the reasons why the plan was disapproved and the changes that need to be made in the plan. Within 30 days after the date on which notice is received of disapproval of its plan, the local educational agency shall revise the plan to conform with the State Governor's suggested changes. The Governor may extend the 30-day period for not more than 90 days.

"SEC. 206. CONTRACTOR AND LABORATORY ACCREDITATION.

15 USC 2646.

"(a) CONTRACTOR ACCREDITATION.—A person may not—

"(1) inspect for asbestos-containing material in a school building under the authority of a local educational agency,

"(2) prepare a management plan for such a school, or

"(3) design or conduct response actions, other than the type of action described in sections 203(f) and 204(c), with respect to friable asbestos-containing material in such a school,

unless such person is accredited by a State under subsection (b) or is accredited pursuant to an Administrator-approved course under subsection (c).

"(b) Accreditation by State.—

"(1) Model plan.—

100 STAT. 2981

"(A) Persons to be accredited.—Within 180 days after the date of the enactment of this title, the Administrator, in consultation with affected organizations, shall develop a model contractor accreditation plan for States to give accreditation to persons in the following categories:

"(i) Persons who inspect for asbestos-containing material in school buildings under the authority of a local educational agency.

"(ii) Persons who prepare management plans for such schools.

"(iii) Persons who design or carry out response actions, other than the type of action described in sections 203(f) and 204(c), with respect to friable asbestos-containing material in such schools.

Education.

"(B) Plan requirements.—The plan shall include a requirement that any person in a category listed in paragraph (1) achieve a passing grade on an examination and participate in continuing education to stay informed about current asbestos inspection and response action technology. The examination shall demonstrate the knowledge of the person in areas that the Administrator prescribes as necessary and appropriate in each of the categories. Such examinations may include requirements for knowledge in the following areas:

"(i) Recognition of asbestos-containing material and its physical characteristics.

"(ii) Health hazards of asbestos and the relationship between asbestos exposure and disease.

"(iii) Assessing the risk of asbestos exposure through a knowledge of percentage weight of asbestos-containing material, friability, age, deterioration, location and accessibility of materials, and advantages and disadvantages of dry and wet response action methods.

"(iv) Respirators and their use, care, selection, degree of protection afforded, fitting, testing, and maintenance and cleaning procedures.

"(v) Appropriate work practices and control methods, including the use of high efficiency particle absolute vacuums, the use of amended water, and principles of negative air pressure equipment use and procedures.

"(vi) Preparing a work area for response action work, including isolating work areas to prevent bystander or public exposure to asbestos, decontamination procedures, and procedures for dismantling work areas after completion of work.

"(vii) Establishing emergency procedures to respond to sudden releases.

"(viii) Air monitoring requirements and procedures.

"(ix) Medical surveillance program requirements.

"(x) Proper asbestos waste transportation and disposal procedures.

"(xi) Housekeeping and personal hygiene practices, including the necessity of showers, and procedures to prevent asbestos exposure to an employee's family.

"(2) State adoption of plan.—Each State shall adopt a contractor accreditation plan at least as stringent as the model plan developed by the Administrator under paragraph (1), within 180 days after the commencement of the first regular session of the legislature of such State which is convened following the date on which the Administrator completes development of the model plan. In the case of a school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.), the Secretary of Defense shall adopt a contractor accreditation plan at least as stringent as that model.

"(c) ACCREDITATION BY ADMINISTRATOR-APPROVED COURSE.—

"(1) COURSE APPROVAL.—Within 180 days after the date of the enactment of this title, the Administrator shall ensure that any Environmental Protection Agency-approved asbestos training course is consistent with the model plan (including testing requirements) developed under subsection (b). A contractor may be accredited by taking and passing such a course.

"(2) TREATMENT OF PERSONS WITH PREVIOUS EPA ASBESTOS TRAINING.—A person who—

"(A) completed an Environmental Protection Agency-approved asbestos training course before the date of the enactment of this title, and

"(B) passed (or passes) an asbestos test either before or after the date of the enactment of this title,

may be accredited under paragraph (1) if the Administrator determines that the course and test are equivalent to the requirements of the model plan developed under subsection (b). If the Administrator so determines, the person shall be considered accredited for the purposes of this title until a date that is one year after the date on which the State in which such person is employed establishes an accreditation program pursuant to subsection (b).

"(3) LISTS OF COURSES.—The Administrator, in consultation with affected organizations, shall publish (and revise as necessary)—

"(A) a list of asbestos courses and tests in effect before the date of the enactment of this title which qualify for equivalency treatment under paragraph (2), and

"(B) a list of asbestos courses and tests which the Administrator determines under paragraph (1) are consistent with the model plan and which will qualify a contractor for accreditation under such paragraph.

"(d) LABORATORY ACCREDITATION.—(1) The Administrator shall provide for the development of an accreditation program for laboratories by the National Bureau of Standards in accordance with paragraph (2). The Administrator shall transfer such funds as are necessary to the National Bureau of Standards to carry out such program.

"(2) The National Bureau of Standards, upon request by the Administrator, shall, in consultation with affected organizations—

"(A) within 360 days after the date of the enactment of this title, develop an accreditation program for laboratories which conduct qualitative and semi-quantitative analyses of bulk samples of asbestos-containing material, and

"(B) within 720 days after the date of the enactment of this title, develop an accreditation program for laboratories which conduct analyses of air samples of asbestos from school buildings under the authority of a local educational agency.

"(3) A laboratory which plans to carry out any such analysis shall comply with the requirements of the accreditation program.

"(e) FINANCIAL ASSISTANCE CONTINGENT ON USE OF ACCREDITED PERSONS.—(1) A school which is an applicant for financial assistance under section 505 of the Asbestos School Hazard Abatement Act of 1984 (Public Law 98-377; 20 U.S.C. 4011 et seq.) is not eligible for such assistance unless the school, in carrying out the requirements of this title—

20 USC 4014.

"(A) uses a person (or persons)—

"(i) who is accredited by a State which has adopted an accreditation plan based on the model plan developed under subsection (b), or

"(ii) who is accredited pursuant to an Administrator-approved course under subsection (c), and

"(B) uses a laboratory (or laboratories) which is accredited under the program developed under subsection (d).

"(2) This subsection shall apply to any financial assistance provided under the Asbestos School Hazard Abatement Act of 1984 for activities performed after the following dates:

"(A) In the case of activities performed by persons, after the date which is one year after the date of the enactment of this title.

"(B) In the case of activities performed by laboratories, after the date which is 180 days after the date on which a laboratory accreditation program is completed under subsection (d).

15 USC 2647.

"**SEC. 207. ENFORCEMENT.**

"(a) PENALTIES.—Any local educational agency—

"(1) which fails to conduct an inspection pursuant to regulations under section 203(b) or under section 204(b),

"(2) which knowingly submits false information to the Governor regarding any inspection pursuant to regulations under section 203(i) or knowingly includes false information in any inspection statement under section 204(d)(3), or

"(3) which fails to develop a management plan pursuant to regulations under section 203(i) or under section 204(d),

is liable for a civil penalty of not more than $5,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected under section 16. For purposes of this subsection, a 'violation' means a failure to comply with respect to a single school building. The court shall order that any civil penalty collected under this subsection be used by the local educational agency for purposes of complying with this title. Any portion of a civil penalty remaining unspent after compliance by a local educational agency is completed shall be deposited into the Asbestos Trust Fund established by section 5 of the Asbestos Hazard Emergency Response Act of 1986. 15 USC 2615. *Post*, p. 2990.

"(b) RELATIONSHIP TO TITLE I.—A local educational agency is not liable for any civil penalty under title I of this Act for failing or refusing to comply with any rule promulgated or order issued under this title. *Post*, p. 2989.

"(c) ENFORCEMENT CONSIDERATIONS.—

"(1) In determining the amount of a civil penalty to be assessed under subsection (a) against a local educational agency, the Administrator shall consider—

100 STAT. 2984

"(A) the significance of the violation;

"(B) the culpability of the violator, including any history of previous violations under this Act;

"(C) the ability of the violator to pay the penalty; and

"(D) the ability of the violator to continue to provide educational services to the community.

"(2) Any action ordered by a court in fashioning relief under section 20 shall be consistent with regulations promulgated under section 203 (or with the requirements of section 204 if there are no regulations). *Post*, p. 2989.

"(d) CITIZEN COMPLAINTS.—Any person may file a complaint with the Administrator or with the Governor of the State in which the school building is located with respect to asbestos-containing material in a school building. If the Administrator or Governor receives a complaint under this subsection containing allegations which provide a reasonable basis to believe that a violation of this Act has occurred, the Administrator or Governor shall investigate and respond (including taking enforcement action where appropriate) to the complaint within a reasonable period of time.

"(e) Citizen Petitions.—(1) Any person may petition the Administrator to initiate a proceeding for the issuance, amendment, or repeal of a regulation or order under this title.

"(2) Such petition shall be filed in the principal office of the Administrator and shall set forth the facts which it is claimed establish that it is necessary to issue, amend, or repeal a regulation or order under this title.

"(3) The Administrator may hold a public hearing or may conduct such investigation or proceeding as the Administrator deems appropriate in order to determine whether or not such petition should be granted.

Federal Register, publication.

"(4) Within 90 days after filing of a petition described in paragraph (1), the Administrator shall either grant or deny the petition. If the Administrator grants such petition, the Administrator shall promptly commence an appropriate proceeding in accordance with this title. If the Administrator denies such petition, the Administrator shall publish in the Federal Register the Administrator's reasons for such denial. The granting or denial of a petition under this subsection shall not affect any deadline or other requirement of this title.

Courts, U.S. District of Columbia.

"(f) Citizen Civil Actions With Respect To EPA Regulations.—(1) Any person may commence a civil action without prior notice against the Administrator to compel the Administrator to meet the deadlines in section 203 for issuing advanced notices of proposed rulemaking, proposing regulations, and promulgating regulations. Any such action shall be brought in the district court of the United States for the District of Columbia.

"(2) In any action brought under paragraph (1) in which the court finds the Administrator to be in violation of any deadline in section 203, the court shall set forth a schedule for promulgating the regulations required by section 203 and shall order the Administrator to comply with such schedule. The court may extend any deadline (which has not already occurred) in section 204(b), 204(c), or 204(d) for a period of not more than 6 months, if the court-ordered schedule will result in final promulgation of the pertinent regulations within the extended period. Such deadline extensions may not be granted by the court beginning 720 days after the date of enactment of this title.

100 STAT. 2985

Post, p. 2989.

"(3) Section 20 of this Act shall apply to civil actions described in this subsection, except to the extent inconsistent with this subsection.

Health and medical care. 5 USC 2648.

"SEC. 208. EMERGENCY AUTHORITY.

"(a) Emergency Action.—

"(1) Authority.—Whenever—

"(A) the presence of airborne asbestos or the condition of friable asbestos-containing material in a school building governed by a local educational agency poses an imminent and substantial endangerment to human health or the environment, and

"(B) the local educational agency is not taking sufficient action (as determined by the Administrator or the Governor) to respond to the airborne asbestos or friable asbestos-containing material,

the Administrator or the Governor of a State is authorized to act to protect human health or the environment.

"(2) Limitations on Governor Action.—The Governor of a State shall notify the Administrator within a reasonable period of time before the Governor plans to take an emergency action under this subsection. After such notification, if the Administrator takes an emergency action with respect to the same hazard, the Governor may not carry out (or continue to carry out, if the action has been started) the emergency action.

"(3) NOTIFICATION.—The following notification shall be provided before an emergency action is taken under this subsection:

"(A) In the case of a Governor taking the action, the Governor shall notify the local educational agency concerned.

"(B) In the case of the Administrator taking the action, the Administrator shall notify both the local educational agency concerned and the Governor of the State in which such agency is located.

Courts, U.S. District of Columbia.

"(4) COST RECOVERY.—The Administrator or the Governor of a State may seek reimbursement for all costs of an emergency action taken under this subsection in the United States District Court for the District of Columbia or for the district in which the emergency action occurred. In any action seeking reimbursement from a local educational agency, the action shall be brought in the United States District Court for the district in which the local educational agency is located.

"(b) INJUNCTIVE RELIEF.—Upon receipt of evidence that the presence of airborne asbestos or the condition of friable asbestos-containing material in a school building governed by a local educational agency poses an imminent and substantial endangerment to human health or the environment—

"(1) the Administrator may request the Attorney General to bring suit, or

"(2) the Governor of a State may bring suit,

to secure such relief as may be necessary to respond to the hazard. The district court of the United States in the district in which the response will be carried out shall have jurisdiction to grant such relief, including injunctive relief.

Courts, U.S.

100 STAT. 2986

15 USC 2649.

"SEC. 209. STATE AND FEDERAL LAW.

"(a) NO PREEMPTION.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common.

"(b) COST AND DAMAGE AWARDS.—Nothing in this title or any standard, regulation, or requirement promulgated pursuant to this title shall be construed or interpreted to preclude any court from awarding costs and damages associated with the abatement, including the removal, of asbestos-containing material, or a portion of such costs, at any time prior to the actual date on which such material is removed.

"(c) STATE MAY ESTABLISH MORE REQUIREMENTS.—Nothing in this title shall be construed or interpreted as preempting a State from establishing any additional liability or more stringent requirements with respect to asbestos in school buildings within such State.

"(d) NO FEDERAL CAUSE OF ACTION.—Nothing in this title creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

"(e) INTENT OF CONGRESS.—It is not the intent of Congress that this title or rules, regulations, or orders issued pursuant to this title be interpreted as influencing, in either the plaintiff's or defendant's favor, the disposition of any civil action for damages relating to asbestos. This subsection does not affect the authority of any court to make a determination in an adjudicatory proceeding under applicable State law with respect to the admission into evidence or any other use of this title or rules, regulations, or orders issued pursuant to this title.

Courts, U.S.

"SEC. 210. ASBESTOS CONTRACTORS AND LOCAL EDUCATIONAL AGENCIES.

15 USC 2650.

"(a) STUDY.—

"(1) GENERAL REQUIREMENT.—The Administrator shall conduct a study on the availability of liability insurance and other forms of assurance against financial loss which are available to local educational agencies and asbestos contractors with respect to actions required under this title. Such study shall examine the following:

Insurance.

"(A) The extent to which liability insurance and other forms of assurance against financial loss are available to local educational agencies and asbestos contractors.

"(B) The extent to which the cost of insurance or other forms of assurance against financial loss has increased and the extent to which coverage has become less complete.

"(C) The extent to which any limitation in the availability of insurance or other forms of assurance against financial loss is the result of factors other than standards of liability in applicable law.

"(D) The extent to which the existence of the regulations required by subsections (c) and (d) of section 203 and the accreditation of contractors under section 206 has affected the availability or cost of insurance or other forms of assurance against financial loss.

"(E) The extent to which any limitation on the availability of insurance or other forms of assurance against financial loss is inhibiting inspections for asbestos-containing material or the development or implementation of management plans under this title.

"(F) Identification of any other impediments to the timely completion of inspections or the development and implementation of management plans under this title.

"(2) INTERIM REPORT.—Not later than April 1, 1988, the Administrator shall submit to the Congress an interim report on the progress of the study required by this subsection, along with preliminary findings based on information collected to that date.

"(3) FINAL REPORT.—Not later than October 1, 1990, the Administrator shall submit to the Congress a final report on the study required by this subsection, including final findings based on the information collected.

"(b) STATE ACTION.—On the basis of the interim report or the final report of the study required by subsection (a), a State may enact or amend State law to establish or modify a standard of liability for local educational agencies or asbestos contractors with respect to actions required under this title.

"SEC. 211. PUBLIC PROTECTION.

Discrimination, prohibition.
15 USC 2651.

"(a) PUBLIC PROTECTION.—No State or local educational agency may discriminate against a person in any way, including firing a person who is an employee, because the person provided information relating to a potential violation of this title to any other person, including a State or the Federal Government.

"(b) LABOR DEPARTMENT REVIEW.—Any public or private employee or representative of employees who believes he or she has been fired or otherwise discriminated against in violation of subsection (a) may within 90 days after the alleged violation occurs apply to the Secretary of Labor for a review of the firing or alleged discrimination. The review shall be conducted in accordance with section 11(c) of the Occupational Safety and Health Act.

29 USC 660.

"SEC. 212. ASBESTOS OMBUDSMAN.

15 USC 2652.

"(a) APPOINTMENT.—The Administrator shall appoint an Asbestos Ombudsman, who shall carry out the duties described in subsection (b).

"(b) DUTIES.—The duties of the Asbestos Ombudsman are—

"(1) to receive complaints, grievances, and requests for information submitted by any person with respect to any aspect of this title,

"(2) to render assistance with respect to the complaints, grievances, and requests received, and

"(3) to make such recommendations to the Administrator as the Ombudsman considers appropriate.

15 USC 2653.

"SEC. 213. EPA STUDY OF ASBESTOS-CONTAINING MATERIAL IN PUBLIC BUILDINGS.

"Within 360 days after the date of the enactment of this title, the Administrator shall conduct and submit to the Congress the results of a study which shall—

"(1) assess the extent to which asbestos-containing materials are present in public and commercial buildings;

"(2) assess the condition of asbestos-containing material in commercial buildings and the likelihood that persons occupying such buildings, including service and maintenance personnel, are, or may be, exposed to asbestos fibers;

100 STAT. 2988

"(3) consider and report on whether public and commercial buildings should be subject to the same inspection and response action requirements that apply to school buildings;

"(4) assess whether existing Federal regulations adequately protect the general public, particularly abatement personnel, from exposure to asbestos during renovation and demolition of such buildings; and

"(5) include recommendations that explicitly address whether there is a need to establish standards for, and regulate asbestos exposure in, public and commercial buildings.

15 USC 2654.

"SEC. 214. TRANSITION RULES.

Post, p. 2989.

"Any regulation of the Environmental Protection Agency under title I which is inconsistent with this title shall not be in effect after the date of the enactment of this title. Any advanced notice of proposed rulemaking, any proposed rule, and any regulation of the Environmental Protection Agency in effect before the date of the enactment of this title which is consistent with the regulations required under section 203 shall remain in effect and may be used to meet the requirements of section 203, except that any such regulation shall be enforced under this Act.".

20 USC 4014.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO ASBESTOS SCHOOL HAZARD ABATEMENT ACT.—Section 505(g) of the Asbestos School Hazard Abatement Act of 1984 (Public Law 98-377; 20 U.S.C. 4011 et seq.) is amended by adding at the end the following new paragraph:

"(4)(A) No financial assistance may be provided under this section to any school—

Ante, p. 2980.

"(i) which uses any person who has not been accredited pursuant to section 206(b) or 206(c) of the Toxic Substances Control Act, to carry out activities described in section 206(a) of that Act, or

"(ii) which uses any laboratory which has not been accredited pursuant to section 206(d) of the Toxic Substances Control Act, to carry out activities described in such section.

"(B) This paragraph shall apply to any financial assistance provided under this section after the date of the enactment of the Asbestos Hazard Emergency Response Act of 1986, for activities performed after the following dates:

"(i) In the case of activities performed by persons, after the date which is one year after the date of the enactment of this title.

"(ii) In the case of activities performed by laboratories, after the date which is 180 days after the date on which a laboratory accreditation program is completed under subsection (d).".

(b) Conforming Amendments to Toxic Substances Control Act.—

(1) Section 15 of the Toxic Substances Control Act (15 U.S.C 2614) is amended in paragraph (1)—

(A) by striking out "or" before "(C)",

(B) by striking out the semicolon and inserting in lieu thereof a comma, and

(C) by adding at the end of such paragraph the following: "or (D) any requirement of title II or any rule promulgated or order issued under title II;". *Ante*, p. 2970.

100 STAT. 2989

(2) Section 19 of such Act (15 U.S.C. 2618) is amended in subsection (a)(1)(A) by inserting after "or 8," the following: "or under title II,".

(3) Section 20 of such Act (15 U.S.C. 2619) is amended in subsection (a)(1) by striking out "4, 5, or 6 or order issued under section 5" and inserting in lieu thereof the following: "4, 5, or 6, or title II, or order issued under section 5 or title II"

(c) Technical Amendments.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended—

(1) by inserting immediately before section 1 the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES";

(2) by inserting in the table of contents in section 1, immediately before the item relating to section 1, the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES";

and

(3) by adding at the end of the table of contents in section 1 the following:

"TITLE II—ASBESTOS HAZARD EMERGENCY RESPONSE

"Sec. 201. Congressional findings and purpose.
"Sec. 202. Definitions.
"Sec. 203. EPA Regulations.
"Sec. 204. Requirements if EPA fails to promulgate regulations.
"Sec. 205. Submission to State Governor.
"Sec. 206. Contractor and laboratory accreditation.
"Sec. 207. Enforcement.
"Sec. 208. Emergency authority.
"Sec. 209. State and Federal law.
"Sec. 210. Asbestos contractors and local educational agencies.
"Sec. 211. Public protection.
"Sec. 212. Asbestos ombudsman.
"Sec. 213. EPA study of asbestos-containing material in public buildings.
"Sec. 214. Transition rules.".

SEC. 4. AUTHORIZATION.

20 USC 4021.

(a) Section 512 of the Asbestos School Hazard Abatement Act of 1984 (Public Law 98-377; 20 U.S.C. 4011 et seq.) is amended by adding at the end the following: "In addition, for such purposes there are authorized to be appropriated out of the Asbestos Trust Fund established by section 5 of the Asbestos Hazard Emergency Response Act of 1986 $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.".

Grants.
20 USC 4014.
20 USC 4014 note.

(b)(1) Notwithstanding section 505(c) of the Asbestos School Hazard Abatement Act of 1984, for fiscal years 1988 and 1989 the Administrator shall provide financial assistance under section 505 of such Act in the form of grants to States or local educational agencies to carry out inspections for asbestos-containing material in school buildings and preparation of management plans for school buildings under this title.

(2) Not more than 2 percent of any grant awarded to a State pursuant to paragraph (1) may be used by the State for administrative purposes. For purposes of the preceding sentence, administrative purposes do not include salaries of persons who inspect for asbestos-containing material or assist in the preparation of management plans.

Wages.

(3) In determining which local educational agencies to approve grants for, the Administrator shall take into account the financial need of the agency. Of the amount available under the Asbestos School Hazard Abatement Act of 1984 for fiscal years 1988 and 1989, not more than 10 percent may be obligated for the purposes described in this subsection.

20 USC 4011.

20 USC 4022.

SEC. 5. ASBESTOS TRUST FUND.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Asbestos Trust Fund", consisting of such amounts as may be transferred or credited to such Trust Fund as provided in this section.

(b) Transfers to Trust Fund.—

(1) Transfer.—There are hereby transferred to the Asbestos Trust Fund amounts equivalent to—

(A) amounts received in the Treasury on or after January 1, 1987, as repayments of loans made under section 505 of the Asbestos School Hazard Abatement Act of 1984 (Public Law 98-377; 20 U.S.C. 4011 et seq.) as in effect on the date of the enactment of this Act, and

20 USC 4014.

(B) amounts received as deposits from local educational agencies under section 207(a) of the Toxic Substances Control Act (as added by section 2 of this Act).

(2) Monthly transfers.—The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Asbestos Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were more or less than the amounts required to be transferred.

(c) Management of Trust Fund.—

(1) Investment.—

(A) In general.—The Secretary of the Treasury shall invest such portion of the Asbestos Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States and may be acquired—

(i) on original issue at the issue price, or

(ii) by purchase of outstanding obligations at the market price.

(B) Sale of obligations.—Any obligation acquired by the Asbestos Trust Fund may be sold by the Secretary of the Treasury at the market price.

(C) Interest on certain proceeds.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Asbestos Trust Fund shall be credited to and form a part of the Trust Fund.

(2) Report.—It shall be the duty of the Secretary of the Treasury to hold the Asbestos Trust Fund and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 5 fiscal years.

(d) Expenditures From Asbestos Trust Fund.—Amounts in the Asbestos Trust Fund shall be available, as provided by appropriation Acts, only for purposes of carrying out the Asbestos Hazards Abatement Assistance Program under section 505 of the Asbestos School

Hazard Abatement Act of 1984 as in effect on the date of the enactment of this Act.

20 USC 4014.

(e) AUTHORITY TO BORROW.—

(1) IN GENERAL.—There are authorized to be appropriated to the Asbestos Trust Fund, as repayable advances, $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.

Appropriation authorization.

(2) REPAYMENT OF ADVANCES.—

(A) IN GENERAL.—Advances made under this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Asbestos Trust Fund.

(B) RATE OF INTEREST.—Interest on advances made under this subsection shall be at a rate determined by the Secretary (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1986.

Approved October 22, 1986.

LEGISLATIVE HISTORY—H.R. 5073 (S. 2083):

HOUSE REPORTS: No. 99-763 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 99-427 accompanying S. 2083 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Aug. 12, considered and passed House.
Sept. 10, considered and passed Senate, amended.
Oct. 1, House concurred in Senate amendment with an amendment.
Oct. 3, Senate concurred in House amendment.

Public Law 99-546
99th Congress

100 STAT. 3050

An Act

To implement the Coordinated Operations Agreement, the Suisun Marsh Preservation Agreement, and to amend the Small Reclamation Projects Act of 1956, as amended, and for other purposes.

Oct. 27, 1986
[H.R. 3113]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conservation.
California.
Water.

TITLE I—COORDINATED OPERATIONS

PROJECT OPERATION POLICY

SEC. 101. Section 2 of the Act of August 26, 1937 (50 Stat. 850) is amended by—

(a) inserting at the beginning "(a)"; and

(b) inserting the following new subsection:

"(b)(1) Unless the Secretary of the Interior determines that operation of the Central Valley project in conformity with State water quality standards for the San Francisco Bay/Sacramento-San Joaquin Delta and Estuary is not consistent with the congressional directives applicable to the project, the Secretary is authorized and

California.

directed to operate the project, in conjunction with the State of California water project, in conformity with such standards. Should the Secretary of the Interior so determine, then the Secretary shall promptly request the Attorney General to bring an action in the court of proper jurisdiction for the purposes of determining the applicability of such standards to the project.

"(2) The Secretary is further directed to operate the Central Valley project, in conjunction with the State water project, so that water supplied at the intake of the Contra Costa Canal is of a quality equal to the water quality standards contained in the Water Right Decision 1485 of the State of California Water Resources Control Board, dated August 16, 1978, except under drought emergency water conditions pursuant to a declaration by the Governor of California. Nothing in the previous sentence shall authorize or require the relocation of the Contra Costa Canal intake.".

REIMBURSABLE COSTS

SEC. 102. Section 2 of the Act of August 26, 1937 (50 Stat. 850) is amended by inserting the following new subsection:

"(c)(1) The costs associated with providing Central Valley project water supplies for the purpose of salinity control and for complying with State water quality standards identified in exhibit A of the 'Agreement Between the United States of America and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and the State Water Project' dated May 20, 1985, shall be allocated among the project purposes and shall be reimbursed in accordance with existing Reclamation law and policy. The costs of providing water for salinity control and for complying with State water quality standards above those standards identified in the previous sentence shall be nonreimbursable.

"(2) The Secretary of the Interior is authorized and directed to undertake a cost allocation study of the Central Valley project, including the provisions of this Act, and to implement such allocations no later than January 1, 1988.".

COORDINATED OPERATIONS AGREEMENT

SEC. 103. Section 2 of the Act of August 26, 1937 (50 Stat. 850) is amended by inserting the following new subsection:

"(d) The Secretary of the Interior is authorized and directed to execute and implement the 'Agreement Between the United States of America and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and the State Water Project' dated May 20, 1985: *Provided*, That—

"(1) the contract with the State of California referred to in subarticle 10(h)(1) of the agreement referred to in this subsection for the conveyance and purchase of Central Valley project water shall become final only after an Act of Congress approving the execution of the contract by the Secretary of the Interior; and,

Reports.

"(2) the termination provisions of the agreement referred to in this subsection may only be exercised if the Secretary of the Interior or the State of California submits a report to Congress and sixty calendar days have elapsed (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which said report has been submitted to the Speaker of the House of Representatives and the President of the Senate for reference to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report must outline the reasons for terminating the agreement and, in the case of the report by the Secretary of the Interior, include the views of the Administrator of the Environmental Protection Agency and the Governor of the State of California on the Secretary's decision.".

REFUGE WATER SUPPLY INVESTIGATION

Reports.
Contracts.

SEC. 104. The Secretary of the Interior shall not contract for the delivery of more than 75 percent of the firm annual yield of the Central Valley project not currently committed under long-term contracts until one year after the Secretary has transmitted to the Congress a feasibility report, together with his recommendations, on the "Refuge Water Supply Investigations, Central Valley Basin, California.".

ADJUSTMENT OF RATES AND ABILITY TO PAY

Contracts.
Securities.

SEC. 105. The Secretary of the Interior shall include in all new or amended contracts for the delivery of water from the Central Valley project a provision providing for the automatic adjustment of rates by the Secretary of the Interior if it is found that the rate in effect may not be adequate to recover the appropriate share of the existing Federal investment in the project by the year 2030. The contracts shall also include a provision authorizing the Secretary of the Interior to adjust determinations of ability to pay every five years.

100 STAT. 3052

OPERATION AND MAINTENANCE DEFICITS

Contracts.

SEC. 106. The Secretary of the Interior shall include in each new or amended contract for the delivery of water from the Central Valley project provisions ensuring that any annual deficit (outstanding or hereafter arising) incurred by a Central Valley project water contractor in the payment of operation and maintenance costs of the Central Valley project is repaid by such contractor under the terms of such new or amended contract, together with interest on any such deficit which arises on or after October 1, 1985, at a rate equal to the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest one-eighth of 1 percent.

TITLE II—SUISUN MARSH PRESERVATION AGREEMENT

AUTHORITY TO ENTER AGREEMENT

SEC. 201. The Secretary of the Interior is authorized to execute and implement the agreement between the Department of the Interior, the State of California and the Suisun Resources Conservation District (dated November 1, 1985).

COST-SHARING PROVISIONS

SEC. 202. The costs of implementing the agreement provided in section 201 of this title shall be shared by the Bureau of Reclamation and the California Department of Water Resources in strict accordance with article 12 of that agreement: *Provided*, That—

(a) payments made by the Secretary of the Interior shall not exceed 40 percent of the construction costs incurred under articles 6, 7, and 8 of the agreement, or $50,000,000, whichever is less, plus or minus such amounts as are justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein;

(b) the Federal share of continuing annual operation and maintenance costs, including monitoring, shall not exceed 40 percent of the actual operation and maintenance costs; and,

(c) the costs incurred by the United States for construction and for annual operation and maintenance in connection with the implementation of said agreement shall constitute an integral part of the cost of the Central Valley project. The Secretary shall allocate such costs to the reimbursable and nonreimbursable purposes served by the project.

COSTS INCURRED

100 STAT. 3053

SEC. 203. Costs incurred both before and after the date of execution of the agreement herein authorized are to be included in the total for determining the Federal share of construction, operation, and maintenance costs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There are authorized to be appropriated for the implementation of the agreement referred to in Section 201 of this title $50,000,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein and, in addition thereto, in accordance with subsection 201(b) of this title, such sums as may be required for operation and maintenance: *Provided,* That no Federal funds may be expended pursuant to this title in advance of appropriations therefor: *Provided further,* That appropriations pursuant to this title shall remain available until expended without any fiscal year limitation.

TITLE III—SMALL RECLAMATION PROJECTS ACT

REFERENCE TO SMALL PROJECTS ACT

SEC. 301. As used in this title, the term "the Act" means the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a et seq.).

REHABILITATION AND BETTERMENT

Energy.
Environmental protection.
43 USC 422a.

SEC. 302. Section 1 of the Act is amended by inserting after the word "laws" ", with emphasis on rehabilitation and betterment of existing projects for purposes of significant conservation of water, energy and the environment and for purpose of water quality control,".

FILING FEE

43 USC 422c.

SEC. 303. The second sentence of section 3 of the Act is amended by striking "$1,000" and inserting in lieu thereof "$5,000".

COST SHARING

Loans.
Grants.
43 USC 422d.

SEC. 304. (a) Section 4(b) of the Act is amended by inserting "(1)" after (b) and by striking "by loan and grant under this Act" and inserting in lieu thereof "by loan and grant of Federal funds".

Gifts and property.

(b) Section 4(b) of the Act is amended by adding the following new paragraph at the end thereof:

"(2) The Secretary shall require each organization to contribute toward the cost of the project (other than by loan and/or grant of Federal funds) an amount equal to 25 percent or more of the allowable estimated cost of the project: *Provided,* That the Secretary, at his discretion, may reduce the amount of such contribution to the extent that he determines that the organization is unable to secure financing from other sources under reasonable terms and conditions, and shall include letters from lenders or other written evidence in support of any funding of an applicant's inability to secure such financing in any project proposal transmitted to the Congress: *Provided further*, That under no circumstances shall the Secretary reduce the amount of such contribution to less than 10 percent of the allowable estimated total project costs. In determining the amount of the contribution as required by this paragraph, the Secretary shall credit toward that amount the cost of investigations, surveys, engineering, and other services necessary to the preparation of proposals and plans for the project as required by the Secretary, and the costs of lands and rights-of-way required for the project, and the $5,000 fee described in section 3 of this Act. In determining the allowable estimated cost of the project, the Secretary shall not include the amount of grants accorded to the organization under section 5(b).".

100 STAT. 3054

Ante, p. 3053.

Infra.

SOIL SURVEY

SEC. 305. Section 4(c) of the Act is amended by inserting the following after the first sentence: "Each project proposal transmitted by the Secretary to the Congress shall include a certification by the Secretary that an adequate soil survey and land classification has been made, or that the successful irrigability of those lands and their susceptibility to sustained production of agricultural crops by means of irrigation has been demonstrated in practice. Such proposal shall also include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows.".

Agriculture and agricultural commodities.
43 USC 422d.

COMPATIBILITY WITH CROPS PROJECTS

SEC. 306. Section 5(b) of the Act is amended by striking everything after the words "joint use facilities properly allocable to fish and wildlife enhancement or public recreation;" and substituting the following in lieu thereof:

"(5) that portion of the estimated cost of constructing the project which, if it were constructed as a Federal reclamation project, would be properly allocable to functions, other than recreation and fish and wildlife enhancement and flood control, which are nonreimbursable under general provisions of law applicable to such projects; and (6) that portion of the estimated cost of constructing the project which is allocable to flood control and which would be nonreimbursable under general provisions of law applicable to projects constructed by the Secretary of the Army.".

Fish and fishing.
Wildlife.
Flood control.
43 USC 422e.

REPAYMENT AND INTEREST

SEC. 307. (a) Section 5(c)(1) of the Act is amended by striking "fifty" and inserting in lieu thereof "forty".

43 USC 422e.

(b) Section 5(c)(2) of the Act is amended to read as follows: "interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the average market yields on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest one-eighth of 1 percent on the unamortized balance of any portion of the loan—

Loans.
Contracts.

"(A) which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by a qualified recipient or by a limited recipient, as such terms are defined in section 202 of the Reclamation Reform Act of 1982, in excess of three hundred and twenty irrigable acres; or,

43 USC 390bb.

"(B) which is allocated to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhance-

Energy.
Fish and fishing.
Wildlife.

100 STAT. 3055

ment, or public recreation except that portion of such allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest.".

(c) The remainder of section 5(c) of the Act is stricken in its entirety.

FISH AND WILDLIFE FUNDING

43 USC 422h.

SEC. 308. Section 8 of the Act is amended by adding at the end thereof the following sentence: "The Secretary shall transfer to the Fish and Wildlife Service or to the National Marine Fisheries Service, out of appropriations or other funds made available under this Act, such funds as may be necessary to conduct the investigations required to carry out the purposes of this section.".

AUTHORIZATION AND LIMITATION

Effective date.
43 USC 422j.

SEC. 309. (a) Section 10 of the Act is amended in the first sentence by inserting before ": *Provided*" "and, effective October 1, 1986, not to exceed an additional $600,000,000".

Loans.
Grants.

(b) Section 10 of the Act is further amended by adding at the end thereof the following: "Not more than 20 percent of the total amount of additional funds authorized to be appropriated effective October 1, 1986, for loans and grants pursuant to this Act shall be for projects in any single State: *Provided*, That beginning five years after the date of enactment of this Act, the Secretary is authorized to waive the 20 percent limitation for loans and grants which meet the purposes set forth in section 1 of this Act: *Provided further*, That the decision of the Secretary to waive the limitation shall be submitted to the Congress together with the project proposal pursuant to section 4(c) of this Act and shall become effective only if the Congress has not, within 60 legislative days, passed a joint resolution of disapproval for such a waiver.".

Ante, p. 3053.
Ante, p. 3054.

TRANSITION RULES

Effective date.
43 USC 422a note.

SEC. 310. The provisions of Sections 303 and 308 of this title shall take effect upon enactment of this title. The provisions of sections 304(a) and 305 of this title shall be applicable to all proposals for which final applications are received by the Secretary after January 1, 1986. The provisions of Sections 302, 304(b), 306, and 307 shall be applicable to all proposals for which draft applications are received by the Secretary after Auguest 15, 1986.

SURPLUS CROPS REPORT

Reports.
43 USC 422a *et seq.*
7 USC 1421 note.

SEC. 311. The Secretary of the Interior and the Secretary of Agriculture shall review the effect of the Small Reclamation Projects Act of 1956, as amended, on the operation and objectives of the programs of the Department of Agriculture dealing with the production of surplus commodities as determined by the Secretary of Agriculture pursuant to the Agriculture Act of 1949, as amended, and shall jointly submit a report of their findings to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives no later than 120 days from the date of enactment of this Act together with their recommendations, if any, for any changes to either or both programs to better achieve the objectives of such programs.

100 STAT. 3056

TITLE IV—VALIDATION OF CONTRACTS

Dams.

SEC. 401. The Federal Power Act (Act of June 10, 1920, 41 Stat. 1063; 16 U.S.C. 791a et seq., and Acts amendatory thereof and supplementary thereto) is amended in section 10(e) (16 U.S.C. 803(e)) by deleting "Commission." and inserting in lieu thereof: "Commission: *Provided however*, That no charge shall be assessed for the use of any Government dam or structure by any licensee if, before January 1, 1985, the Secretary of the Interior has entered into a contract with such licensee that meets each of the following requirements:

"(A) The contract covers one or more projects for which a license was issued by the Commission before January 1, 1985.

"(B) The contract contains provisions specifically providing each of the following:

Energy.

"(i) A powerplant may be built by the licensee utilizing irrigation facilities constructed by the United States.

"(ii) The powerplant shall remain in the exclusive control, possession, and ownership of the licensee concerned.

"(iii) All revenue from the powerplant and from the use, sale, or disposal of electric energy from the powerplant shall be, and remain, the property of such licensee.

"(C) The contract is an amendatory, supplemental and replacement contract between the United States and: (i) the Quincy-Columbia Basin Irrigation District (Contract No. 14-06-100-6418); (ii) the East Columbia Basin Irrigation District (Contract No. 14-06-100-6419); or, (iii) the South Columbia Basin Irrigation District (Contract No. 14-06-100-6420).

This paragraph shall apply to any project covered by a contract referred to in this paragraph only during the term of such contract unless otherwise provided by subsequent Act of Congress.".

Approved October 27, 1986.

LEGISLATIVE HISTORY—H.R. 3113:

HOUSE REPORTS: No. 99-257 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 99-265 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Sept. 9, considered and passed House.
Vol. 132 (1986): July 16, considered and passed Senate, amended.
Oct. 14, House agreed to conference report.
Oct. 15, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
Oct. 27, Presidential statement.

Public Law 99-552
99th Congress

100 STAT. 3080

An Act

To provide for the restoration of the fishery resources in the Klamath River Basin, and for other purposes.

Oct. 27, 1986
[H.R. 4712]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

16 USC 460ss.

The Congress finds that—

(1) the Klamath and Trinity Rivers have been placed under the California and National Wild and Scenic Rivers Systems to protect their outstanding anadromous fishery values;

(2) the Klamath and Trinity Rivers provide fishery resources necessary for Indian subsistence and ceremonial purposes, ocean commercial harvest, recreational fishing, and the economic health of many local communities;

(3) floods, the construction and operation of dams, diversions and hydroelectric projects, past mining, timber harvest practices, and roadbuilding have all contributed to sedimentation, reduced flows, and degraded water quality which has significantly reduced the anadromous fish habitat in the Klamath-Trinity River System;

(4) overlapping Federal, State, and local jurisdictions, inadequate enforcement of fishery harvest regulations, and ineffective fishery management have historically hampered fishery conservation efforts and prevented the Federal Government and the State of California from fulfilling their responsibilities to protect the rivers' anadromous fishery values;

(5) the Klamath-Trinity fall chinook salmon populations have declined by 80 percent from historic levels and steelhead trout have also undergone significant reductions;

(6) Klamath River Basin Fisheries Resource Plan has been developed by the Secretary acting through the Bureau of Indian Affairs;

(7) the Klamath Salmon Management Group, a group of agencies with fishery management responsibility, has established, in cooperation with the users of the Klamath-Trinity River Basin fishery resources, a sound framework for the future coordination of fishery harvest management;

(8) a new Klamath-Trinity River Basin Management authority, composed of the Klamath Salmon Management Group and representatives of users of the fishery resources of the Klamath-Trinity River Basin, is needed to ensure more effective long-term coordination of the Klamath-Trinity River fisheries under sound conservation and management principles that ensure adequate spawning escapement; and

(9) the Secretary has the authority to implement a restoration program only in the Trinity River Basin and needs additional authority to implement a restoration program in cooperation with State and local governments to restore anadromous fish populations to optimum levels in both the Klamath and Trinity River Basins;

100 STAT. 3081

16 USC 460ss-1.

SEC. 2. KLAMATH RIVER BASIN CONSERVATION AREA; FISHERY RESOURCES RESTORATION PROGRAM.

(a) Establishment of Klamath River Basin Conservation Area.—The Secretary shall designate the anadromous fish habitats and resources of the Klamath River basin as the Klamath River Basin Conservation Area (hereafter in this Act referred to as the "Area").

(b) Klamath River Basin Conservation Area Restoration Program.—

(1) Establishment.—The Secretary shall, in consultation with the task force established under section 4, formulate, establish, and implement a 20-year program to restore the anadromous fish populations of the Area to optimum levels and to maintain such levels. The program shall be based on the Klamath River Basin Fisheries Resource Plan referred to in section 1(6) and shall be known as the Klamath River Basin Conservation Area Restoration Program.

(2) Program activities.—In carrying out the objectives of the program, the Secretary, in cooperation with the task force established under section 4, shall—

Research and development.

(A) monitor and coordinate research evaluating the Area anadromous fish populations and administer and evaluate the success of activities described in subparagraph (B); and

(B) take such actions as are necessary to—

(i) improve and restore Area habitats, and to promote access to blocked Area habitats, to support increased run sizes;

(ii) rehabilitate problem watersheds in the Area to reduce negative impacts on fish and fish habitats;

(iii) improve existing Area hatcheries and rearing ponds to assist in rebuilding the natural populations;

(iv) implement an intensive, short-term stocking program to rebuild run sizes while maintaining the genetic integrity and diversity of Area subbasin stocks; and

(v) improve upstream and downstream migration by removal of obstacles to fish passage and the provision of facilities for avoiding obstacles.

Indians.

(3) RESTORATION WORK.—To the extent practicable, any restoration work performed under paragraph (2)(B) shall be performed by unemployed—

(A) commercial fishermen;

(B) Indians; and

(C) other persons whose livelihood depends upon Area fishery resources.

Contracts.
State and local governments.
Indians.

(4) MEMORANDUM OF AGREEMENT.—In order to facilitate the implementation of any activity described in paragraph (2) over which the Secretary does not have jurisdiction, the Secretary shall enter into a memorandum of agreement with the Federal, State, and local agencies having jurisdiction over such activities, and the Area Indian tribes. The memorandum of agreement shall specify the program activities for which the respective signatories to the agreement are responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of the program.

100 STAT. 3082

16 USC 460ss-2.

SEC. 3. KLAMATH FISHERY MANAGEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established a Klamath Fishery Management Council (hereafter in this Act referred to as the "Council").

(b) FUNCTIONS.—

(1) The Council shall—

(A) establish a comprehensive long-term plan and policy, that must be consistent with the goals of the program, for the management of the in-river and ocean harvesting that affects or may affect Klamath and Trinity River basin anadromous fish populations;

(B) make recommendations, that must be consistent with the plan and policy established under subparagraph (A) and with the standards in paragraph (2)—

(i) to the California Fish and Game Commission regarding in-river and offshore recreational harvesting regulations,

(ii) to the Oregon Department of Fish and Wildlife regarding offshore recreational harvesting regulations,

(iii) to the Pacific Fishery Management Council regarding ocean harvesting regulations,

(iv) to the Bureau of Indian Affairs regarding regulations for harvesting in the Area by non-Hoopa Indians, and

(v) to the Hoopa Valley Business Council regarding regulations for harvesting in the Area by members of the Hoopa Indian Tribe; and

(C) conduct public hearings on any regulation referred to in subparagraph (B) (i) through (v).

(2) Any recommendation made by the Council under paragraph (1)(B) regarding harvesting regulations shall—

(A) be based upon the best scientific information available;

(B) minimize costs where practicable, and avoid unnecessary duplication of regulations;

(C) take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; and

(D) be designed to achieve an escapement that preserves and strengthens the viability of the Area's natural anadromous fish populations.

(c) MEMBERSHIP AND APPOINTMENT.—The Council is composed of 11 members as follows:

(1) A representative, who shall be appointed by the Governor of California, of each of the following:

(A) The commercial salmon fishing industry.

(B) The in-river sportfishing community.

(C) The offshore recreational fishing industry.

(D) The California Department of Fish and Game.

(2) A representative of the Hoopa Indian Tribe who shall be appointed by Hoopa Valley Business Council.

(3) A representative, who shall be appointed by the Secretary, of each of the following:

(A) The non-Hoopa Indians residing in the Area.

100 STAT. 3083 (B) The Department of the Interior.

(4) A representative, who shall be appointed by the Secretary of Commerce, of each of the following—

(A) The National Marine Fisheries Service.

(B) The Pacific Fishery Management Council.

(5) A representative, who shall be appointed by the Governor of Oregon, of each of the following:

(A) The commercial salmon fishing industry.

(B) The Oregon Department of Fish and Wildlife.

(d) CONSULTATION REQUIREMENT.—The appointments required under subsection (c) shall be made in consultation with the appropriate users of Area anadromous fish resources.

(e) QUALIFICATIONS.—Council members shall be individuals who are knowledgable and experienced in the management and conservation, or the recreational or commercial harvest, of the anadromous fish resources in Northern California.

(f) TERMS.—

(1) IN GENERAL.—The term of a member is 4 years.

(2) SERVICE.—Members of the Council serve at the pleasure of the appointing authority.

(3) VACANCIES.—Any vacancy on the Council shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(g) TRANSACTION OF BUSINESS.—

(1) DECISIONS OF COUNCIL.—All decisions of the Council must be by unanimous vote of all of the members.

(2) CHAIRMAN.—The Council shall elect a Chairman from among its members.

(3) MEETINGS.—The Council shall meet at the call of the Chairman or upon the request of a majority of its members.

(h) STAFF AND ADMINISTRATION.—

(1) ADMINISTRATIVE SUPPORT.—The Secretary and the Director of the California Department of Fish and Game shall provide the Council with such administrative and technical support services as are necessary for the effective functioning of the Council.

(2) INFORMATION.—The Secretary and the Director of the California Department of Fish and Game shall furnish the Council with relevant information concerning the Area.

(3) ORGANIZATION.—The Council shall determine its organization, and prescribe the practices and procedures for carrying out its functions under subsection (b).

(i) FEDERAL OR STATE EMPLOYEES.—Any Council member who is an officer or employee of the United States or the State of California at the time of appointment to the Council shall cease to be a Council member within 14 days after the date on which he ceases to be so employed.

(j) EXPENSES.—

(1) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Council, Council members shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed travel expenses under section 5703 of title 5 of the United States Code.

100 STAT. 3084

(2) LIMITATION ON SPENDING AUTHORITY.—No money authorized to be appropriated under section 6 may be used to reimburse any agency or governmental unit (whose employees are Council members) for time spent by any such employee performing Council duties.

SEC. 4. KLAMATH RIVER BASIN FISHERIES TASK FORCE.

16 USC 460ss-3.

(a) ESTABLISHMENT.—There is established a Klamath River Basin Fisheries Task Force (hereafter in this Act referred to as the "Task Force").

(b) FUNCTIONS.—The Task Force—

(1) shall assist the Secretary in the formulation, coordination, and implementation of the program;

(2) shall assist, and coordinate its activities with, Federal, State, and local governmental or private anadromous fish restoration projects within the Area;

(3) shall conduct any other activity that is necessary to accomplish the objectives of the program; and

(4) may act as an advisor to the Council.

(c) MEMBERSHIP AND APPOINTMENT.—The Task Force is composed of 12 members as follows:

(1) A representative, who shall be appointed by the Governor of California, of each of the following:

(A) The commercial salmon fishing industry.

(B) The in-river sport fishing community.

(C) The California Department of Fish and Game.

(2) A representative of the Hoopa Indian Tribe who shall be appointed by the Hoopa Valley Business Council.

(3) A representative of the Department of the Interior who shall be appointed by the Secretary.

(4) A representative of the National Marine Fisheries Service who shall be appointed by the Secretary of Commerce.

(5) A representative of the Department of Agriculture who shall be appointed by the Secretary of Agriculture.

(6) A representative of the Oregon Department of Fish and Wildlife who shall be appointed by the Governor of Oregon.

(7) One individual who shall be appointed by the Board of Supervisors of Del Norte County, California.

(8) One individual who shall be appointed by the Board of Supervisors of Siskiyou County, California.

(9) One individual who shall be appointed by the Board of Supervisors of Humboldt County, California.

(10) One individual who shall be appointed by the Board of Supervisors of Trinity County, California.

(d) COUNCIL MEMBERSHIP NOT A BAR TO TASK FORCE APPOINTMENT.—An individual who is a member of the Council is not ineligible for appointment as a member of the Task Force.

(e) TERMS.—

(1) IN GENERAL.—The term of a member of the Task Force is 4 years.

(2) SERVICE.—Members of the Task Force serve at the pleasure of the appointing authorities.

(3) VACANCIES.—Any vacancy on the Task Force shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

100 STAT. 3085

(f) TRANSACTION OF BUSINESS.—

(1) DECISIONS OF TASK FORCE.—All decisions of the Task Force must be by unanimous vote of all the members.

(2) CHAIRMAN.—The members of the Task Force shall select a Chairman from among its members.

(3) MEETINGS.—The Task Force shall meet at the call of the Chairman or upon the request of a majority of its members.

(g) STAFF AND ADMINISTRATION.—

(1) ADMINISTRATIVE SUPPORT.—The Secretary and the Director of the California Department of Fish and Game shall provide the Task Force with the administrative and technical support services necessary for the effective functioning of the Task Force.

(2) INFORMATION.—The Secretary and the Director of the California Department of Fish and Game shall furnish the members of the Task Force with relevant information concerning the Area.

(3) ORGANIZATION.—The Task Force shall determine its organization, and prescribe the practices and procedures for carrying out its functions under subsection (b).

(h) MEMBERS WHO ARE FEDERAL OR STATE EMPLOYEES.—Any Task Force member who is an officer or employee of the United States or the State of California at the time of appointment to the Task Force shall cease to be a member of the Task Force within 14 days of the date on which he ceases to be so employed.

(i) LIMITATION ON SPENDING AUTHORITY.—No money authorized to be appropriated under section 6 may be used to reimburse any Task Force member or agency or governmental unit (whose employees are Task Force members) for time spent by any such employee preforming Task Force duties.

Contracts.
California.
State and local governments.
16 USC 460ss-4.

SEC. 5. ENFORCEMENT.

(a) MEMORANDUM OF AGREEMENT.—In order to strengthen and facilitate the enforcement of Area fishery harvesting regulations, the Secretary shall enter into a memorandum of agreement with the California Department of Fish and Game. Such agreement shall specify the enforcement activities within the Area for which the respective agencies of the Department of Interior and the California Department of Fish and Game are responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of Federal and State enforcement activities.

16 USC 460ss-5.

SEC. 6. APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of the Interior during the period beginning October 1, 1986, and ending on September 30, 2006, $21,000,000 for the design, construction, operation, and maintenance of the program. Monies appropriated under this subsection shall remain available until expended or October 1, 2006, whichever first occurs.

(b) COST-SHARING.—

(1) 50 percent of the cost of the development and implementation of the program must be provided by one or more non-Federal sources on a basis considered by the Secretary to be

timely and appropriate. For purposes of this subsection, the term "non-Federal source" includes a State or local government, any private entity, and any individual.

Gifts and property.
Real property.

(2) In addition to cash outlays, the Secretary shall consider as financial contributions by a non-Federal source the value of in kind contributions and real and personal property provided by the source for purposes of implementing the program. Valuations made by the Secretary under this paragraph are final and not subject to judicial review.

Voluntarism.

(3) For purposes of paragraph (2), in kind contributions may be in the form of, but are not limited to, personal services rendered by volunteers in carrying out surveys, censuses, and other scientific studies.

Regulations.

(4) The Secretary shall by regulation establish—

(A) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as in kind contributions; and

(B) the standards under which the Secretary will determine the value of in kind contributions and real and personal property for purposes of paragraph (2).

State and local governments.

(5) The Secretary may not consider the expenditure, either directly or indirectly, with respect to the program of Federal moneys received by a State or local government to be a financial contribution by a non-Federal source to carry out the program.

16 USC 460ss-6.

SEC. 7. DEFINITIONS.

As used in this Act—

(1) The term "program" means the Klamath River Basin Conservation Area Restoration Program established under section 2(b).

(2) The term "Secretary" means the Secretary of the Interior.

Approved October 27, 1986.

LEGISLATIVE HISTORY—H.R. 4712:

HOUSE REPORTS: No. 99-894, Pt. 1 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 132 (1986):
  Sept. 30, considered and passed House.
  Oct. 3, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
  Oct. 27, Presidential statement.

Public Law 99-590
99th Congress

100 STAT. 3330

An Act

To amend the Wild and Scenic Rivers Act, and for other purposes.

Oct. 30, 1986
[H.R. 4350]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conservation.
National parks, monuments, etc.

TITLE I—CACHE LA POUDRE, COLORADO

Wild and Scenic Rivers System.

SEC. 101. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by adding at the end the following new paragraph:

"(56) CACHE LA POUDRE, COLORADO.—The following segments as generally depicted on the proposed boundary map numbered FS-56 and dated March 1986, published by the United States Department of Agriculture, each to be administered by the Secretary of Agriculture; except that those portions of the segments so designated which are within the boundary of Rocky Mountain National Park shall continue to be administered by the Secretary of the Interior:

"(A) Beginning at Poudre Lake downstream to the confluence of Joe Wright Creek, as a wild river. This segment to be designated the 'Peter H. Dominick Wild River Area'.

"(B) Downstream from the confluence of Joe Wright Creek to a point where the river intersects the easterly north-south line of the west half southwest quarter of section 1, township 8 north, range 71 west of the sixth principal meridian, as a recreational river.

"(C) South Fork of the Cache la Poudre River from its source to the Commanche Peak Wilderness Boundary, approximately four miles, as a wild river.

"(D) Beginning at the Commanche Peak Wilderness Boundary to a point on the South Fork of the Cache la Poudre River in section 1, township 7 north, range 73 west of the sixth principal meridian, at elevation 8050 mean sea level, as a recreational river.

"(E) South Fork of the Cache la Poudre River from its intersection with the easterly section line of section 30, township 8 north, range 72 west of the sixth principal meridian, to confluence of the main stem of the Cache la Poudre River, as a wild river.

With respect to the portions of the river segments designated by this paragraph which are within the boundaries of Rocky Mountain National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of parklands shall be undertaken that is inconsistent with the designation of such river segments as a wild river. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated $500,000 for development and $2,500,000 for land acquisition.".

Appropriation authorization.
Real property.

Water.
16 USC 1274 note.

100 STAT. 3331

SEC. 102. Inclusion of the designated portions of the Cache la Poudre River and the Wild and Scenic Rivers System under section 101 of this title shall not interfere with the exercise of existing decreed water rights to water which has heretofore been stored or diverted by means of the present capacity of storage, conveyance, or diversion structures that exist as of the date of enactment of this title, or operation and maintenance of such structures. Nor shall inclusion of the designated portions of the Cache la Poudre River in the Wild and Scenic Rivers System be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities, and hydroelectric power and transmission facilities below Poudre Park located entirely downstream from and potentially affecting designated portions of the Cache la Poudre River, or relocation of highway 14 to any point east of the north-south half section line of section 2, township 8 north, range 71 west of the sixth principal meridian, as necessary to provide access to Poudre Park around such facilities: *Provided,* That due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments. Congress finds that development of water impoundments, diversion facilities, and hydroelectric power and transmission facilities located entirely downstream from the designated portions of the Cache la Poudre River below Poudre Park, in accordance with the provisions of this section,

Energy.

Energy.

is not incompatible with the designation of portions of the Cache la Poudre River in the Wild and Scenic Rivers System under section 101 of this title. The reservation of water established by the inclusion of portions of the Cache la Poudre River in the Wild and Scenic Rivers System shall be subject to the provisions of this title, shall be adjudicated in Colorado Water Court, and shall have a priority date as of the date of enactment of this title.

SEC. 103. (a) GRANTS AND ASSISTANCE.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall provide grants and technical assistance to the city of Fort Collins, Colorado, to carry out a study regarding the designation of the following area as a national recreation area: the 18.5-mile segment of the Cache la Poudre River Corridor from the northwest boundary of the city of Fort Collins urban growth area to the Weld-Larimer County line.

(b) STUDY.—The study under this section shall include each of the following:

(A) a comprehensive evaluation of the public recreation opportunities and flood plain management options which are available with respect to the river corridor involved;

(B) an evaluation of the natural, historical, and recreational values of such corridor;

(C) patterns for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic and integrity, or management and administration of the corridor area;

(D) cooperative management proposals for the administration of the corridor area;

(E) the number of visitors and types of public use within the corridor area that can be accommodated in accordance with the full protection of its resources; and

100 STAT. 3332

(F) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including the location and estimated costs of such facilities.

(c) REPORT TO CONGRESS.—Within three years of the date of enactment of this title, the Secretary of Agriculture shall transmit to the Congress a comprehensive report containing the results of the study conducted pursuant to this section.

Appropriation authorization.

(d) FUNDING.—There are hereby authorized to be appropriated up to $150,000 to carry out the provisions of this section.

(e) COST SHARING.—Not more than 75 per centum of the cost of the study carried out under this section shall be paid by the United States: *Provided*, That in no event shall the contribution of the United States exceed $150,000. The remaining portion of such costs shall be contributed by interested parties. The portion contributed by such interested parties may consist of appropriated funds or contributed services.

SEC. 104. Notwithstanding any other provision of law, the Secretaries of Agriculture and the Interior shall, within 30 days of the enactment of this title, complete the exchange as described in the Decision Notice and Finding of No Significant Impact, Trust For Public Land Proposed Land-for-Land Exchange, signed by the Rocky Mountain Regional Forester, on August 22, 1985, to acquire certain private lands in the portion of the Cache la Poudre River designated in section 3(a)(56)(B) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(56)(B)).

TITLE II—FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS

Farmington Wild and Scenic River Study Act.
16 USC 1271 note.
Fish and fishing.

SEC. 201. This title may be cited as the "Farmington Wild and Scenic River Study Act".

SEC. 202. (a) The Congress finds that—

(1) the West Branch of the Farmington River and related land areas possess resource values of national significance, such as significant white water rapids, undeveloped lands, scenic and

cultural areas, important sport fisheries, and prime agricultural lands;

(2) based on the National Rivers Inventory by the National Park Service, published in January 1982, this portion of the Farmington River is eligible for study for inclusion in the wild and scenic rivers system;

State and local governments.

(3) there is strong support among local, State, and Federal officials, area residents, and river users for a concerted cooperative effort to manage the river in a productive and meaningful way; and

State and local governments.

(4) in view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the States of Connecticut and the Commonwealth of Massachusetts and the appropriate local governments in managing the river.

(b) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph:

"(92) FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS.—The segment from the intersection of the New Hartford-Canton, Connecticut, town line upstream to the base of the West Branch Reservoir in Hartland, Connecticut; and the segment from the confluence with Thorp Brook in Sandisfield, Massachusetts, to Hayden Pond in Otis, Massachusetts.".

100 STAT. 3333

(c) Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

Reports.

"(7) The study of the West Branch of the Farmington River identified in paragraph (92) of subsection (a) shall be completed and the report submitted thereon not later than the end of the third fiscal year beginning after the enactment of this paragraph. Such report shall include a discussion of management alternatives for the river if it were to be included in the national wild and scenic river system.".

(d)(1) At the earliest practicable date following the enactment of this title, but not later than forty-five days after enactment, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall establish the Farmington River Study Committee (hereinafter in this title referred to as the "Committee"). The Secretary shall consult with the Committee on a regular basis during the conduct of the study. Membership on the Committee shall consist of seventeen members appointed by the Secretary as follows:

(A) One member shall be appointed by the Secretary.

(B) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the State of Connecticut.

(C) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the Commonwealth of Massachusetts.

(D) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Farmington River Watershed Association.

(E) One member shall be appointed by the Secretary from each of the eight towns located along the West Branch of the river. The governing body of each of the eight towns shall provide a list of candidates to the Secretary from which the eight appointments under this paragraph shall be made.

(F) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Metropolitan District Commission of Hartford, Connecticut.

(2) The members of the Committee shall elect a chairman, vice chairman, and recording secretary from the membership at the first official meeting of the Committee. Official minutes shall be kept of

each regular and special meeting of the Committee and shall be open for public inspection.

(3) Any vacancy on the Committee shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Vacancies in the membership of the Committee shall not affect its power to function if there remain sufficient members to constitute a quorum under paragraph (4) of this subsection.

(4) A majority of the members of the Committee shall constitute a quorum for all meetings.

(5) The Committee shall advise the Secretary in conducting the study of the Farmington River segment specified in section 5(a)(92) of the Wild and Scenic Rivers Act. The Committee also shall advise the Secretary concerning management alternatives should the river be included in the wild and scenic rivers system.

16 USC 1276.

(6) Members of the Committee shall serve without compensation but may be compensated for reasonable and necessary expenses incurred by them in the performance of their duties as members of the Committee.

(7) The Committee may accept and utilize the services of voluntary, uncompensated personnel.

(8) The Committee shall terminate on the later of the following:

(A) the completion of the river study of the Farmington River described in section 5(a)(92) of the Wild and Scenic Rivers Act; or

16 USC 1276.

(B) the publication of management alternatives should the river be included in the wild and scenic rivers system.

(e) As used in this title (other than in subsection (b)) the term "River" means the segments of the Farmington River described in paragraph (92) of section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1275(a)).

(f) There are authorized to be appropriated up to $150,000 to carry out the purposes of this title.

Appropriation authorization.

TITLE III—GREAT EGG HARBOR, NEW JERSEY

Sec. 301. (a) Study.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding at the end thereof the following new paragraph:

16 USC 1276.

"(93) Great Egg Harbor River, New Jersey: The entire river.".

(b) Completion Date.—Section 5(b)(3) of such Act is amended by adding at the end thereof the following: "The study of the river named in paragraph (93) of subsection (a) shall be completed not later than three years after the date of the enactment of this sentence.".

(c) Authorization of Appropriations.—Paragraph (4) of section 5(b) of such Act is amended by adding at the end thereof the following: "Effective October 1, 1986, there are authorized to be appropriated for the purpose of conducting the study of the river named in paragraph (93) not to exceed $150,000.".

TITLE IV—SALINE BAYOU, LOUISIANA

Sec. 401. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph:

"(57) Saline Bayou, Louisiana.—The segment from Saline Lake upstream to the Kisatchie National Forest, as generally depicted on the Proposed Boundary Map, numbered FS-57, and dated March 1986; to be administered by the Secretary of Agriculture. For the purposes of the segment designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after

Appropriation authorization.

September 30, 1986, not to exceed $1,000,000 for the acquisition of lands and interests in lands and for development.".

TITLE V—GENERIC AMENDMENTS

SEC. 501. (a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Au Sable River, the Tuolumne River, the Illinois River, and the Owyhee River as paragraphs (52) through (55) respectively.

16 USC 1274.

(b)(1) The first sentence of section 3(b) of the Wild and Scenic Rivers Act is amended as follows:

(A) Strike out "one year from the date of this Act" and substitute "one year from the date of designation of such component under subsection (a)".

(B) Strike out the second parenthetical statement, "(which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river)".

(C) Strike out the semicolon and the remainder of the sentence after the words "its various segments" and substitute a period.

(2) The second sentence of section 3(b) of such Act is amended by striking out "Said boundaries, classification, and development plans" and substituting the words "Notice of the availability of the boundaries and classification, and of subsequent boundary amendments".

(3) Section 3 of such Act is amended by adding the following new subsections at the end:

District of Columbia. Public information.

"(c) Maps of all boundaries and descriptions of the classifications of designated river segments, and subsequent amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

"(d)(1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within 3 full fiscal years after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

State and local governments.

Federal Register, publication.

"(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.".

16 USC 1275.

SEC. 502. Section 4 of the Wild and Scenic Rivers Act is amended by adding a new subsection (d) after subsection (c):

"(d) The boundaries of any river proposed in section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System shall generally comprise that area measured within one-quarter mile from the ordinary high water mark on each side of the river. In the case of any designated river, prior to publication of boundaries pursuant to section 3(b) of this Act, the boundaries also shall comprise the same area. This subsection shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the ordinary high water mark on each side of the river.".

16 USC 1276.

SEC. 503. Section 5 of the Wild and Scenic Rivers Act is amended as follows:

(a) In subsection (a) paragraph (90) relating to the North Umpqua is redesignated as paragraph (91).

(b) At the end of subsection (b)(1) add: "Studies of the river named in paragraphs (38), (55), (83), and (87) shall be completed and the reports transmitted to the Congress not later than January 1, 1987.".

Reports.

(c) Amend paragraph (4) of subsection (b) to read as follows:

"(4) For the purposes of conducting the studies of rivers named in subsection (a), there are authorized to be appropriated such sums as necessary.".

Appropriation authorization.

SEC. 504. (a) Section 6(e) of the Wild and Scenic Rivers Act is amended by striking out "Congress in authorized" and substituting "Congress is authorized".

16 USC 1277.

(b) Section 6(a) of the Wild and Scenic Rivers Act is amended by striking out "donation, and lands" in the second sentence and substituting "donation or by exchange in accordance with subsection (d) of this section. Lands".

(c) Section 6(a) of the Wild and Scenic Rivers Act is amended by inserting "(1)" after "(a)" and by adding the following at the end:

"(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate Secretary may, with the consent of the landowners for the portion outside the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average one-hundred-acre-per-mile fee title limitation of subsection (a)(1). The lands or interests therein outside such boundaries, shall be disposed of, consistent with existing authorities of law, by sale, lease, or exchange.".

16 USC 1278.

(d) Section 6(b) of the Wild and Scenic Rivers Act is amended as follows:

(1) Insert in the first sentence "outside the ordinary high water mark on both sides of the river" after the word "acreage".

(2) Insert "in fee title" after the word "owned".

SEC. 505. (a) The second sentence of section 7(a) of the Wild and Scenic Rivers Act is amended by deleting "approval of this Act" and substituting "designation of a river as a component of the National Wild and Scenic Rivers System".

(b) Section 7(b) of the Wild and Scenic Rivers Act is amended as follows:

(1) In the first sentence after clause (i) insert a new clause (ii) as follows:

"(ii) during such interim period from the date a report is due and the time a report is actually submitted to the Congress; and".

(2) Redesignate existing clause (ii) as clause (iii).

(3) At the end of the second sentence, delete "approval of this Act" and insert in lieu thereof the words, "designation of a river for study as provided for in section 5 of this Act".

Ante, p. 3335.

SEC. 506. Section 8(a) of the Wild and Scenic Rivers Act is amended by adding the following at the end thereof: "This subsection shall not be construed to limit the authorities granted in section 6(d) or section 14A of this Act.".

16 USC 1279.

16 USC 1277, 1285a.

SEC. 507. Section 9(b) of the Wild and Scenic Rivers Act is amended by striking out "issuance or leases" in the second sentence and substituting "issuance of leases".

16 USC 1280.

SEC. 508. Section 11 of the Wild and Scenic Rivers Act is amended by deleting the second sentence in subsection (a) and by amending subsection (b) to read as follows:

16 USC 1282.

"(b)(1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage

State and local governments.
Contracts.

river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the National Wild and Scenic Rivers System and to other rivers. Any agreement under this subsection may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.

"(2) Wherever appropriate in furtherance of this Act, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

"(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g-j) and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a–558d).

"(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of statewide comprehensive outdoor recreation plans).

16 USC 460*l*-8.
Voluntarism.

"(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deems necessary or desirable.

"(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.".

16 USC 1283.

SEC. 509. Section 12(c) of the Wild and Scenic Rivers Act is amended by deleting the words "Secretary of the Interior" and inserting in lieu thereof the words "Administrator, Environmental Protection Agency".

16 USC 1286.

SEC. 510. Section 16(c) of the Wild and Scenic Rivers Act is amended by adding at the end thereof: "For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6(b).".

Ante, p. 3336.

TITLE VI

SEC. 601. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following new paragraph:

"(58) BLACK CREEK, MISSISSIPPI.—The segment from Fairley Bridge Landing upstream to Moody's Landing as generally depicted on a map entitled 'Black Creek Wild and Scenic River', numbered FS–58 and dated March 1986, to be administered by the Secretary of Agriculture as a scenic river area under section 2(b)(2). For the purposes of the segment designated by this paragraph, there are authorized to be appropriated up to $300,000 for the acquisition of lands and interests in lands and for development.".

100 STAT. 3338

TITLE VII—TO PROVIDE RELIEF FOR CERTAIN DESERT LAND ENTRYMEN IN IDAHO

SEC. 701. The Congress finds that—

(1) certain developed and productive desert land entries in Idaho, identified in section 702 of this title, made pursuant to the Act entitled "An Act to provide for the sale of desert lands in certain States and Territories", approved March 3, 1877 (43 U.S.C. 321, et seq.), commonly known and hereinafter referred to as the "Desert Land Act", have been cancelled by the Secretary of the Interior pursuant to holding limitation regulations promulgated pursuant to section 7 of the Act (43 U.S.C. 329);

(2) such regulations were retroactively applied to such desert land entries several years after the entries were allowed and more than two years after final development, proof and final

payment for such entries were made, without giving the entrymen any opportunity to comply with the new interpretation of such regulations;

(3) cancellation of such desert land entries was harsh and unfair, and resulted in forfeiture to the Government of the developed entries and the monies paid for the land;

(4) such entrymen have fulfilled the requirements of the Desert Land Act in all respects other than such holding limitation regulations; and 43 USC 321.

(5) such entrymen, or their heirs or devisees, should have the entries reinstated and qualify for issuance of patents to carry out the objectives of the Desert Land Act. Patents and trademarks.

SEC. 702. The names of the entrymen, and the serial numbers of the desert land entries generally known as the "Sailor Creek Project", to which this title applies, are as follows:

Entryman	Bureau of Land Management Serial Number
G. Patrick Morris	Idaho 013820
John E. Roth	Idaho 013905
Elise L. Neeley	Idaho 013906
Lyle D. Roth	Idaho 013907
Vera M. Noble (Now Baltzor)	Idaho 014126
Charlene S. Baltzor	Idaho 014128
George R. Baltzor	Idaho 014129
John E. Morris (deceased)	Idaho 014130
Juanita M. Morris	Idaho 014249
Nellie Mac Morris (deceased)	Idaho 014250
Milo Axelsen	Idaho 014251
Peggy Axelsen	Idaho 014252

SEC. 703. (a) The desert land entries identified in section 702 of this title are hereby reinstated. The entrymen, or the heirs or devisees of any deceased entryman, may—

(1) rescind any agreement which is prohibited by the Secretary of the Interior pursuant to regulations under section 7 of the Act (43 U.S.C. 329) within six months after the date of enactment of this title; and

(2) resubmit final proof of reclamation and cultivation of the land in accordance with the provisions of section 7 of the Act (43 U.S.C. 329) before December 31, 1988.

(b) The Secretary of the Interior shall issue patents to the entrymen named in section 702, or their heirs or devisees upon compliance with the provisions of subsection (a) and the submission of satisfactory final proof. Patents and trademarks.

100 STAT. 3339

SEC. 704. Notwithstanding any other provision of law, the property right prior to issuance of a patent to the land of any entryman identified in section 702 of this title, or the heirs, or devisees of any such entryman whose entry is reinstated in accordance with section 703 of this title, shall be a personal right, inheritable but not assignable. Any such entry may be mortgaged in the manner permitted by regulations promulgated by the Secretary of the Interior for the purpose of securing repayment of monies borrowed for development of the entry or for farm operating or crop production expenses. Patents and trademarks.

TITLE VIII—BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

AUTHORIZATION OF MEMORIAL

SEC. 801. The Black Revolutionary War Patriots Foundation is authorized to establish a memorial on Federal land in the District of Columbia and its environs to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children 40 USC 1003 note.

who ran away from slavery or filed petitions with courts and legislatures seeking their freedom. Such memorial shall be established in accordance with the provisions of H.R. 4378, as approved by the House of Representatives on September 29, 1986. *Ante*, p. 3650.

FUNDING

SEC. 802. The Black Revolutionary War Patriots Foundation shall establish the memorial with non-Federal funds.

TITLE IX—WOMEN IN THE ARMED FORCES MEMORIAL

AUTHORIZATION OF MEMORIAL

40 USC 1003 note.

SEC. 901. The Women in Military Service for America Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia and its environs to honor women who have served in the Armed Forces of the United States. Such memorial shall be established in accordance with the provisions of H.R. 4378, as approved by the House of Representatives on September 29, 1986.

FUNDING

SEC. 902. The Women in Military Service for America Memorial Foundation shall establish the memorial with non-Federal funds.

TITLE X—NEW RIVER GORGE ADMINISTRATIVE SITE

16 USC 460m-16.

SEC. 1001. Section 1102(a) of the National Parks and Recreation Act of 1978 (Public Law 95-625) is amended by inserting the following after the second sentence: "In addition, the Secretary may acquire by any of the foregoing methods not to exceed ten acres outside the boundaries of the national river for an administrative headquarters site, and funds appropriated for land acquisition shall be available for the acquisition of the administrative headquarters site.".

100 STAT. 3340

16 USC 460m-25.

SEC. 1002. Section 1112 of the same act is amended by striking "$500,000" and inserting "$3,000,000".

Approved October 30, 1986.

LEGISLATIVE HISTORY—H.R. 4350:

HOUSE REPORTS: No. 99-503 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
- Apr. 8, considered and passed House.
- Sept. 12, considered and passed Senate, amended.
- Oct. 8, House concurred in Senate amendment with amendments.
- Oct. 15, Senate concurred in House amendments with an amendment.
- Oct. 16, House concurred in Senate amendment.

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100 STAT. 3665

Public Law 99-655
99th Congress

An Act

Nov. 14, 1986
[H.R. 5028]

Entitled the "Lower Colorado Water Supply Act".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Contracts.

SECTION 1. AUTHORIZATION.

Regulations.

(a) The Secretary of the Interior is authorized to construct, operate, and maintain the Lower Colorado Water Supply Project, California, in order to supply water for domestic, municipal, industrial, and recreational purposes only: *Provided*, That, the Secretary is hereby authorized, in his discretion, to contract with non-Federal interests for the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. Such project shall be constructed in stages as increases in demand warrant and substantially in accordance with the plans set forth in the document entitled "Lower Colorado Water Supply Study, California" (December 1985): *Provided,* That the Secretary is prohibited from constructing facilities with a total capacity in excess of ten thousand acre-feet per annum under authority of this Act.

(b)(1) The Secretary is further authorized to enter into exchange contracts and take such actions as the Secretary deems appropriate to facilitate a water exchange agreement between non-Federal interests and those interests designated in section 2(b) of this Act in which such non-Federal interests agree to exchange a portion of their rights to divert water from the Colorado River for an equivalent quantity and quality of groundwater to be withdrawn from a well field located in the Sand Hills area, Imperial County, California.

(2) The Secretary is prohibited from executing any contracts under the authority of subsection (b)(1) of this section until such contracts have been submitted to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate and ninety calendar days have elapsed.

SEC. 2. REPAYMENT OF COSTS.

(a) The Secretary is prohibited from obligating or expending any of the funds authorized to be appropriated by section 3 of this Act until—

(1) a study has been completed, and submitted to the appropriate committees of the Congress, allocating among the Federal and non-Federal beneficiaries the capital costs and the costs of operating, maintaining, and replacing the project authorized by section 1 of this Act;

(2) the Secretary has entered into a contract or contracts with non-Federal interests for repayment of the capital costs, plus interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest one-eighth of 1 per centum, allocated to non-Federal interests for domestic, municipal, industrial, and recreational purposes as identified in the cost allocation study prepared under subsection (a)(1): *Provided,* That the terms and provisions of such contracts and repayment shall be governed by the provisions of the Water Supply Act of 1958 which were in effect on January 1, 1986;

100 STAT. 3666

43 USC 390b note.

(3) the Secretary has entered into a contract or contracts with non-Federal interests for payment of 100 per centum of the costs allocated to such non-Federal interests for the operation, maintenance, and replacement of the project on a current basis; and

(4) the Secretary has transmitted to Congress the final planning report/environmental assessment on the Lower Colorado Water Supply Project.

California.

(b) Any contracts executed by the Secretary to fulfill the requirements of subsections (a)(2) and (a)(3) of this section must be with persons, or Federal or non-Federal governmental entities whose lands or interests in lands are located adjacent to the Colorado River in the State of California who do not hold rights to Colorado River water or whose rights are insufficient to meet their present or anticipated future needs, as determined by the Secretary. Such persons, or Federal or non-Federal governmental entities shall include the city of Needles, the town of Winterhaven, and other domestic, municipal, industrial, and recreational water users along the Colorado River in the State of California.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the construction through September 30, 1993, of the Lower Colorado Water Supply Project the sum of $1,800,000 plus or minus such amounts, if any, as may be justified by reason of ordinary cost indices applicable to the types of construction involved therein and in addition thereto such sums as may be required for operation, maintenance and replacement of that portion of the project used to supply domestic, municipal, industrial, or recreational water supplies for lands managed by the Federal Government. No funds are authorized to be appropriated for payment of the operation, maintenance, or replacement costs allocated to non-Federal beneficiaries as determined by the study undertaken under authority of section 2(a)(1).

SEC. 4. CONTRIBUTION OF CONSTRUCTION COSTS.

The Secretary is authorized to accept monetary contributions from the city of Needles and other incorporated cities for the construction of project features of the Lower Colorado Water Supply Project allocated to the provision of water supplies to the city of Needles and other incorporated cities: *Provided*, That, such contributions shall be credited toward the reimbursable costs to be repaid by the city of Needles and other incorporated cities pursuant to the contracts entered into pursuant to section 2 of this Act. Such contributions by the city of Needles and other incorporated cities shall be contributed during the construction of the appropriate project features and shall constitute 20 percent of the costs of such project features allocated to the city of Needles and other incorporated cities for repayment.

100 STAT. 3667

SEC. 5. SAVINGS PROVISION.

Nothing contained in this Act shall be construed to alter, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994, 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), or the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501). Nor shall any provision of this Act—

(a) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or streams or over any groundwater resources, or

(b) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

Approved November 14, 1986.

LEGISLATIVE HISTORY—H.R. 5028:

HOUSE REPORTS: No. 99-650 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 99-496 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
June 24, considered and passed House.
Oct. 9, considered and passed Senate, amended.
Oct. 15, House disagreed to Senate amendment.
Oct. 18, Senate receded from its amendment.

Public Law 99-662
99th Congress

100 STAT. 4082

An Act

To provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.

Nov. 17, 1986
[H.R. 6]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Water Resources Development Act of 1986.
33 USC 2201 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Water Resources Development Act of 1986".

(b) Table of Contents.—

Title I—Cost Sharing
Title II—Harbor Development
Title III—Inland Waterway Transportation System
Title IV—Flood Control
Title V—Shoreline Protection
Title VI—Water Resources Conservation and Development
Title VII—Water Resources Studies
Title VIII—Project Modifications
Title IX—General Provisions
Title X—Project Deauthorizations
Title XI—Miscellaneous Programs and Projects
Title XII—Dam Safety
Title XIII—Namings
Title XIV—Revenue Provisions

SEC. 2. DEFINITION OF SECRETARY.

33 USC 2201.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—COST SHARING

SEC. 101. HARBORS.

33 USC 2211.

(a) Construction.—

Contracts.

(1) Payments during construction.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(B) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of 45 feet; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of 45 feet.

(2) Additional 10 percent payment over 30 years.—The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to section 106. The value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided under paragraph (3) shall be credited toward the payment required under this paragraph.

100 STAT. 4083

(3) Lands, easements, and rights-of-way.—The non-Federal interests for a project to which paragraph (1) applies shall provide the lands, easements, rights-of-way, relocations (other than utility relocations under paragraph (4)), and dredged material disposal areas necessary for the project.

(4) UTILITY RELOCATIONS.—The non-Federal interests for a project to which paragraph (1) applies shall perform or assure the performance of all relocations of utilities necessary to carry out the project, except that in the case of a project for a deep-draft harbor and in the case of a project constructed by non-Federal interests under section 204, one-half of the cost of each such relocation shall be borne by the owner of the facility being relocated and one-half of the cost of each such relocation shall be borne by the non-Federal interests.

(b) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of each navigation project for a harbor or inland harbor constructed pursuant to this Act shall be 100 percent, except that in the case of a deep-draft harbor, the non-Federal interests shall be responsible for an amount equal to 50 percent of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet.

(c) EROSION OR SHOALING ATTRIBUTABLE TO FEDERAL NAVIGATION WORKS.—Costs of constructing projects or measures for the prevention or mitigation of erosion or shoaling damages attributable to Federal navigation works shall be shared in the same proportion as the cost sharing provisions applicable to the project causing such erosion or shoaling. The non-Federal interests for the project causing the erosion or shoaling shall agree to operate and maintain such measures.

(d) NON-FEDERAL PAYMENTS DURING CONSTRUCTION.—The amount of any non-Federal share of the cost of any navigation project for a harbor or inland harbor shall be paid to the Secretary. Amounts required to be paid during construction shall be paid on an annual basis during the period of construction, beginning not later than one year after construction is initiated.

Contracts.

(e) AGREEMENT.—Before initiation of construction of a project to which this section applies, the Secretary and the non-Federal interests shall enter into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to—

42 USC 1962d-5b.

(1) provide to the Federal Government lands, easements, and rights-of-way, and to provide dredged material disposal areas and perform the necessary relocations required for construction, operation, and maintenance of such project;

(2) hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors;

(3) provide to the Federal Government the non-Federal share of all other costs of construction of such project; and

(4) in the case of a deep-draft harbor, be responsible for the non-Federal share of operation and maintenance required by subsection (b) of this section.

33 USC 2212.

SEC. 102. INLAND WATERWAY TRANSPORTATION.

(a) CONSTRUCTION.—One-half of the costs of construction—

(1) of each project authorized by title III of this Act,

(2) of the project authorized by section 1103(j) of this Act, and

(3) allocated to inland navigation for the project authorized by section 844 of this Act,

shall be paid only from amounts appropriated from the general fund of the Treasury. One-half of such costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term "construction" shall include planning, designing, engineering, surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations necessary for the project.

(b) Operation and Maintenance.—The Federal share of the cost of operation and maintenance of any project for navigation on the inland waterways is 100 percent.

(c) Authorizations From General Fund.—Any Federal responsibility—

(1) with respect to a project authorized by title III or section 1103(j), or

(2) with respect to the portion of the project authorized by section 844 allocated to inland navigation,

which responsibility is not provided for in subsection (a) of this section shall be paid only from amounts appropriated from the general fund of the Treasury.

SEC. 103. FLOOD CONTROL AND OTHER PURPOSES. 33 USC 2213.

(a) Flood Control.—

(1) General rule.—The non-Federal interests for a project with costs assigned to flood control (other than a nonstructural project) shall—

(A) pay 5 percent of the cost of the project assigned to flood control during construction of the project;

(B) provide all lands, easements, rights-of-way, and dredged material disposal areas required only for flood control and perform all related necessary relocations; and

(C) provide that portion of the joint costs of lands, easements, rights-of-way, dredged material disposal areas, and relocations which is assigned to flood control.

(2) 25 percent minimum contribution —If the value of the contributions required under paragraph (1) of this subsection is less than 25 percent of the cost of the project assigned to flood control, the non-Federal interest shall pay during construction of the project such additional amounts as are necessary so that the total contribution of the non-Federal interests under this subsection is equal to 25 percent of the cost of the project assigned to flood control.

(3) 50 percent maximum.—The non-Federal share under paragraph (1) shall not exceed 50 percent of the cost of the project assigned to flood control. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.

100 STAT. 4085

(4) Deferred payment of amount exceeding 30 percent.—If the total amount of the contribution required under paragraph (1) of this subsection exceeds 30 percent of the cost of the project assigned to flood control, the non-Federal interests may pay the amount of the excess to the Secretary over a 15-year period (or such shorter period as may be agreed to by the Secretary and the non-Federal interests) beginning on the date construction of the project or separable element is completed, at an interest rate determined pursuant to section 106. The preceding sentence does not modify the requirement of paragraph (1)(A) of this subsection.

(b) Nonstructural Flood Control Projects.—The non-Federal share of the cost of nonstructural flood control measures shall be 25 percent of the cost of such measures. The non-Federal interests for any such measures shall be required to provide all lands, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project, but shall not be required to contribute any amount in cash during construction of the project.

(c) Other Purposes.—The non-Federal share of the cost assigned to other project purposes shall be as follows:

(1) hydroelectric power: 100 percent, except that the marketing of such power and the recovery of costs of constructing, operating, maintaining, and rehabilitating such projects shall be in accordance with existing law: *Provided,* That after the date of enactment of this Act, the Secretary shall not submit to Energy.

Congress any proposal for the authorization of any water resources project that has a hydroelectric power component unless such proposal contains the comments of the appropriate Power Marketing Administrator designated pursuant to section 302 of the Department of Energy Organization Act (Public Law 95-91) concerning the appropriate Power Marketing Administration's ability to market the hydroelectric power expected to be generated and not required in the operation of the project under the applicable Federal power marketing law, so that, 100 percent of operation, maintenance and replacement costs, 100 percent of the capital investment allocated to the purpose of hydroelectric power (with interest at rates established pursuant to or prescribed by applicable law), and any other costs assigned in accordance with law for return from power revenues can be returned within the period set for the return of such costs by or pursuant to such applicable Federal power marketing law;

42 USC 7152.

(2) municipal and industrial water supply: 100 percent;

(3) agricultural water supply: 35 percent;

Agriculture and agricultural commodities.

(4) recreation, including recreational navigation: 50 percent of separable costs and, in the case of any harbor or inland harbor or channel project, 50 percent of joint and separable costs allocated to recreational navigation;

(5) hurricane and storm damage reduction: 35 percent; and

(6) aquatic plant control: 50 percent of control operations.

(d) Certain Other Costs Assigned to Project Purposes.—Costs of constructing projects or measures for beach erosion control and water quality enhancement shall be assigned to appropriate project purposes listed in subsections (a), (b), and (c) and shall be shared in the same percentage as the purposes to which the costs are assigned, except that all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private lands shall be borne by non-Federal interests and all costs assigned to the protection of federally owned shores shall be borne by the United States.

100 STAT. 4086

(e) Applicability.—

(1) In general.—This section applies to any project (including any small project which is not specifically authorized by Congress and for which the Secretary has not approved funding before the date of enactment of this Act), or separable element thereof, on which physical construction is initiated after April 30, 1986, as determined by the Secretary, except as provided in paragraph (2).

(2) Exceptions.—This section shall not apply to the Yazoo Basin, Mississippi, Demonstration Erosion Control Program, authorized by Public Law 98-8, or to the Harlan, Kentucky, or Barbourville, Kentucky, elements of the project authorized by section 202 of Public Law 96-367.

Mississippi.
Kentucky.
23 USC 104 note.
94 Stat. 1339.

(f) Definition of Separable Element.—For purposes of this Act, the term "separable element" means a portion of a project—

(1) which is physically separable from other portions of the project; and

(2) which—

(A) achieves hydrologic effects, or

(B) produces physical or economic benefits,

which are separately identifiable from those produced by other portions of the project.

(g) Deferral of Payment.—(1) With respect to the projects listed in paragraph (2), no amount of the non-Federal share required under this section shall be required to be paid during the three-year period beginning on the date of enactment of this Act.

(2) The projects referred to in paragraph (1) are the following:

(A) Boeuf and Tensas Rivers, Tensas Basin, Louisiana and Arkansas, authorized by the Flood Control Act of 1946;

(B) Eight Mile Creek, Arkansas, authorized by Public Law 99-88; and

Louisiana.
Arkansas.
33 USC 701b-8, 721*o*.
99 Stat. 293.

(C) Rocky Bayou Area, Yazoo Backwater Area, Yazoo Basin, Mississippi, authorized by the Flood Control Act approved August 18, 1941. 33 USC 702a–702m.

(h) **Assigned Joint and Separable Costs.**—The share of the costs specified under this section for each project purpose shall apply to the joint and separable costs of construction of each project assigned to that purpose, except as otherwise specified in this Act.

(i) **Lands, Easements, Rights-of-Way, Dredged Material Disposal Areas, and Relocations.**—The non-Federal interests for a project to which this section applies shall provide all lands, easements, rights-of-way, and dredged material disposal areas required for the project and perform all necessary relocations, except to the extent limited by any provision of this section. The value of any contribution under the preceding sentence shall be included in the non-Federal share of the project specified in this section.

(j) **Agreement.**—

(1) **Requirement for agreement.**—Any project to which this section applies (other than a project for hydroelectric power) shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, and replacement and rehabilitation costs of the project, to pay the non-Federal share of the costs of construction required by this section, and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors. Contracts.

100 STAT. 4087

(2) **Elements of agreement.**—The agreement required pursuant to paragraph (1) shall be in accordance with the requirements of section 221 of the Flood Control Act of 1970 (84 Stat. 1818) and shall provide for the rights and duties of the United States and the non-Federal interest with respect to the construction, operation, and maintenance of the project, including, but not limited to, provisions specifying that, in the event the non-Federal interest fails to provide the required non-Federal share of costs for such work, the Secretary— Contracts. 42 USC 1962d–5b.

(A) shall terminate or suspend work on the project unless the Secretary determines that continuation of the work is in the interest of the United States or is necessary in order to satisfy agreements with other non-Federal interests in connection with the project; and

(B) may terminate or adjust the rights and privileges of the non-Federal interest to project outputs under the terms of the agreement.

(k) **Payment Options.**—Except as otherwise provided in this section, the Secretary may permit the full non-Federal contribution to be made without interest during construction of the project or separable element, or with interest at a rate determined pursuant to section 106 over a period of not more than thirty years from the date of completion of the project or separable element. Repayment contracts shall provide for recalculation of the interest rate at five-year intervals. Contracts.

(l) **Delay of Initial Payment.**—At the request of any non-Federal interest the Secretary may permit such non-Federal interest to delay the initial payment of any non-Federal contribution under this section or section 101 for up to one year after the date when construction is begun on the project for which such contribution is to be made. Any such delay in initial payment shall be subject to interest charges for up to six months at a rate determined pursuant to section 106.

(m) **Ability to Pay.**—Any cost-sharing agreement under this section for flood control or agricultural water supply shall be subject to the ability of a non-Federal interest to pay. The ability of any non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary. Agriculture and agricultural commodities.

33 USC 2214.

SEC. 104. GENERAL CREDIT FOR FLOOD CONTROL.

(a) GUIDELINES.—Within one year after the date of enactment of this Act, the Secretary shall issue guidelines to carry out this section, consistent with the principles and guidelines on project formulation. The guidelines shall include criteria for determining whether work carried out by non-Federal interests is compatible with a project for flood control and procedures for making such determinations. The guidelines under this section shall be promulgated after notice in the Federal Register and opportunity for comment.

Federal Register, publication.

(b) ANALYSIS OF COSTS AND BENEFITS.—The guidelines established under subsection (a) shall provide for the Secretary to consider, in analyzing the costs and benefits of a proposed project for flood control, the costs and benefits produced by any flood control work carried out by non-Federal interests that the Secretary determines to be compatible with the project. For purposes of the preceding sentence the Secretary may consider only work carried out after the date which is 5 years before the first obligation of funds for the reconnaissance study for such project. In no case may work which was carried out more than 5 years before the date of the enactment of this Act be considered under this subsection, unless otherwise provided in this Act.

100 STAT. 4088

(c) CREDITING OF NON-FEDERAL SHARE.—The guidelines established under subsection (a) shall provide for crediting the cost of work carried out by the non-Federal interests against the non-Federal share of the cost of an authorized project for flood control as follows:

Reports.

(1) Work which is carried out after the end of the reconnaissance study and before the submission to Congress of the final report of the Chief of Engineers on the project and which is determined by the Secretary to be compatible with the project shall be included as part of the project and shall be recommended by the Secretary in the final report for credit against the non-Federal share of the cost of the project.

Reports.

(2) Work which is carried out after submission of the final report of the Chief of Engineers to Congress and which is determined by the Secretary to be compatible with the project shall be considered as part of the project and shall be credited by the Secretary against the non-Federal share of the cost of the project in accordance with the guidelines promulgated pursuant to subsection (a).

In no event may work which was carried out more than 5 years before the date of enactment of this Act be considered under this subsection, unless otherwise provided in this Act.

(d) PROCEDURE FOR WORK DONE BEFORE DATE OF ENACTMENT.—The Secretary shall consider, under subsections (b) and (c), work carried out before the date of enactment of this Act by non-Federal interests on a project for flood control, if the non-Federal interests apply to the Secretary for consideration of such work not later than March 31, 1987. The Secretary shall make determinations under subsections (b) and (c) with respect to such work not later than 6 months after guidelines are issued under subsection (a).

(e) PROCEDURE FOR WORK DONE AFTER DATE OF ENACTMENT.—The Secretary shall consider work carried out after the date of enactment of this Act by non-Federal interests on a project for flood control under subsections (b) and (c) in accordance with the guidelines issued under subsection (a). The guidelines shall require prior approval by the Secretary of any flood control work carried out after the date of enactment of this Act in order to be considered under this section, taking into account the economic and environmental feasibility of the project.

(f) LIMITATION NOT APPLICABLE.—Any flood control work included as part of the non-Federal share of the cost of a project under this section shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968. 42 USC 1962d-5a.

(g) CASH CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the requirement of section 103(a)(1)(A).

SEC. 105. FEASIBILITY STUDIES; PLANNING, ENGINEERING, AND DESIGN.

33 USC 2215.

Contracts.

(a) FEASIBILITY STUDIES.—(1) The Secretary shall not initiate any feasibility study for a water resources project after the date of enactment of this Act until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost for such study during the period of such study. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the feasibility report.

(2) This subsection shall not apply to any water resources study primarily designed for the purposes of navigational improvements in the nature of dams, locks, and channels on the Nation's system of inland waterways.

Contracts.

(b) PLANNING AND ENGINEERING.—The Secretary shall not initiate any planning or engineering authorized by this Act for a water resources project until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost of the planning and engineering during the period of the planning and engineering.

(c) DESIGN.—Costs of design of a water resources project shall be shared in the same percentage as the purposes of such project.

SEC. 106. RATE OF INTEREST.

33 USC 2216.

Whenever a non-Federal interest is required or elects to repay an amount under this Act over a period of time, the amount to be repaid shall include interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or in the case of recalculation the fiscal year in which the recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs; except that such rates for hydroelectric power shall be in accordance with existing law.

SEC. 107. LIMITATION ON APPLICABILITY OF CERTAIN PROVISIONS IN REPORTS.

33 USC 2217.

If any provision in any report designated by this Act recommends that a State contribute in cash 5 percent of the construction costs allocated to non-vendible project purposes and 10 percent of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 108. GENERAL APPLICABILITY OF COST SHARING.

33 USC 2218.

Unless otherwise specified, the cost sharing provisions of this title shall apply to all projects in this Act. The Federal share of any cost of a project authorized by this Act for which cost a Federal share is not established in this title, shall be the share of such cost otherwise provided by law.

SEC. 109. DEFINITIONS.

33 USC 2219.

For purposes of this title, terms shall have the meanings given by section 214 of this Act.

TITLE II—HARBOR DEVELOPMENT

Harbor Development and Navigation Improvement Act of 1986.

SEC. 201. DEEP-DRAFT HARBOR PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following projects for harbors are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions

100 STAT. 4090

recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

MOBILE HARBOR, ALABAMA

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at a total cost of $451,000,000, with an estimated first Federal cost of $255,000,000 and an estimated first non-Federal cost of $196,000,000; except that if non-Federal interests construct a bulk material transshipment facility in lower Mobile Bay, the Secretary, upon request of such non-Federal interests, may limit construction of such project from the Gulf of Mexico to such facility and except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. Notwithstanding any other provision of law, no dredged or fill material shall be disposed of in the Brookley disposal area, referred to in such report of the Chief of Engineers.

MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA

The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana: Report of the Chief of Engineers, dated April 9, 1983, at a total cost of $471,000,000, with an estimated first Federal cost of $178,000,000 and an estimated first non-Federal cost of $293,000,000. Nothing in this paragraph and such report shall be construed to affect the requirements of Public Law 89-669, as amended.

16 USC 668aa.

TEXAS CITY CHANNEL, TEXAS

The project for navigation, Galveston Bay Area, Texas City Channel, Texas: Report of the Chief of Engineers, dated March 11, 1986, at a total cost of $200,000,000, with an estimated first Federal cost of $130,000,000 and an estimated first non-Federal cost of $70,000,000.

NORFOLK HARBOR AND CHANNELS, VIRGINIA

Fish and fishing.
Wildlife.

The project for navigation, Norfolk Harbor and Channels, Virginia: Report of the Chief of Engineers, dated November 20, 1981, at a total cost of $551,000,000, with an estimated first Federal cost of $256,000,000 and an estimated first non-Federal cost of $295,000,000, including such modifications as the Secretary determines to be necessary and appropriate for mitigation of any damage to fish and wildlife resources resulting from construction, operation, and maintenance of each segment of the proposed project. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of each segment of the proposed project will have on fish and wildlife resources and the need for mitigation of any damage to such resources resulting from such construction, operation, and maintenance.

(b) Authorization of Construction Subject to Favorable Report.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Enginee
100 STAT. 4091
and approved by the Secretary, and with such other modifications s are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA

The project for deepening of the entry channel to the harbor of Los Angeles, California, to a depth of 70 feet and for deepening of the entry channel to the harbor of Long Beach, California, to a depth of 76 feet, including the creation of 800 acres of land with the dredged material from the project, as Phase I of the San Pedro Bay development, at a total cost of $620,000,000, with an estimated first Federal cost of $310,000,000 and an estimated first non-Federal cost of $310,000,000.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for deepening of the Ambrose Channel feature of the navigation project, New York Harbor and Adjacent Channels, to a depth of 55 feet and widening such channel to 770 feet, and for deepening of the Anchorage channel feature of such navigation project to a depth of 55 feet and widening such channel to 660 feet, at a total cost of $326,000,000, with an estimated first Federal cost of $156,000,000 and an estimated first non-Federal cost of $170,000,000. Disposal of beach quality sand from construction, operation, and maintenance of such features of such project shall take place at the ocean front on Staten Island, New York, and Sea Bright and Monmouth Beach, New Jersey, at full Federal expense. No disposal of dredged material from construction, operation, and maintenance of such features of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York.

SEC. 202. GENERAL CARGO AND SHALLOW HARBOR PROJECTS.

Studies.
Reports.

(a) AUTHORIZATION FOR CONSTRUCTION.—The following projects for harbors are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

KODIAK HARBOR, ALASKA

The project for navigation, Kodiak Harbor, Alaska: Report of the Chief of Engineers, dated September 7, 1976, at a total cost of $15,000,000, with an estimated first Federal cost of $13,400,000 and an estimated first non-Federal cost of $1,600,000.

ST. PAUL ISLAND, ALASKA

The project for navigation, St. Paul Island Harbor, Alaska: Report of the Chief of Engineers, dated August 10, 1983, at a total cost of $24,800,000, with an estimated first Federal cost of $11,800,000 and an estimated first non-Federal cost of $13,000,000.

100 STAT. 4092

OAKLAND OUTER HARBOR, CALIFORNIA

Fish and fishing.
Wildlife.

The project for navigation, Oakland Outer Harbor, California: Reports of the Chief of Engineers, dated January 7, 1980, and July 1, 1983, at a total cost of $45,900,000, with an estimated first Federal cost of $30,100,000 and an estimated first non-Federal cost of $15,800,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study alternative dredged material disposal plans, including but not limited to plans which include marsh formation. The Secretary is authorized to undertake and monitor the effects of such dredged material disposal measures, including but not limited to such measures as will result in fish and wildlife habitat enhancement, as the Secretary determines are necessary and appropriate. The cost of any measures required for construction of the project to protect the Bay Area Rapid Transit facilities shall be undertaken by non-Federal interests and shall be credited toward the 10 percent payment required for such project under section 101(a)(2).

OAKLAND INNER HARBOR, CALIFORNIA

The project for navigation, Oakland Inner Harbor, California, Report of the Chief of Engineers, dated January 21, 1986, at a total cost of $28,100,000, with an estimated first Federal cost of $17,100,000 and an estimated first non-Federal cost of $11,000,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the existence of, and possible adverse effects of project dredging on, any underground freshwater aquifer in the project area.

RICHMOND HARBOR, CALIFORNIA

The project for navigation, Richmond Harbor, California: Report of the Chief of Engineers, dated August 8, 1982, at a total cost of $43,800,000, with an estimated first Federal cost of $26,500,000 and an estimated first non-Federal cost of $17,300,000.

SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

The project for navigation, Sacramento Deep Water Ship Channel, California: Report of the Chief of Engineers, dated November 20, 1981, at a total cost of $125,000,000, with an estimated first Federal cost of $76,000,000 and an estimated first non-Federal cost of $49,000,000.

NEW HAVEN HARBOR, CONNECTICUT

Fish and fishing.

The project for navigation, New Haven Harbor, Connecticut: Report of the Chief of Engineers, dated July 26, 1982, with such modifications as the Secretary determines to be necessary and appropriate to mitigate adverse effects of construction, operation, and maintenance of the proposed project on oyster beds and the production of oysters in New Haven Harbor, at a total cost of $26,500,000, with an estimated first Federal cost of $19,000,000 and an estimated first non-Federal cost of $7,500,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on oyster beds and the production of oysters in New Haven Harbor. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

100 STAT. 4093

PALM BEACH HARBOR, FLORIDA

The project for navigation, Palm Beach Harbor, Florida: Report of the Chief of Engineers, dated December 10, 1985, to assume maintenance, at an annual cost of $86,000.

MANATEE HARBOR, FLORIDA

The project for navigation, Manatee Harbor, Florida: Report of the Chief of Engineers, dated May 12, 1980, at a total cost of $16,400,000, with an estimated first Federal cost of $9,500,000 and an estimated first non-Federal cost of $6,900,000, including such modifications as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of construction, operation, and maintenance of the project on the benthic environment of the area to be dredged. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on the benthic environment of the area to be dredged. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on the benthic environment of the dredged area.

TAMPA HARBOR, EAST BAY CHANNEL, FLORIDA

The project for navigation, Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers, dated January 25, 1979, at an average annual cost of $471,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

SAVANNAH HARBOR, GEORGIA

The project for navigation, Savannah Harbor Widening, Georgia: Report of the Chief of Engineers, dated December 19, 1978, at a total cost of $14,700,000, with an estimated first Federal cost of $7,100,000 and an estimated first non-Federal cost of $7,600,000.

HILO HARBOR, HAWAII

The project for navigation, Hilo Harbor, Hawaii: Report of the Chief of Engineers, dated December 4, 1984, at a total cost of $4,880,000, with an estimated first Federal cost of $3,380,000 and an estimated first non-Federal cost of $1,500,000.

GRAND HAVEN HARBOR, MICHIGAN

The project for navigation, modifications to Grand Haven Harbor, Michigan: Report of the Chief of Engineers, dated October 9, 1979, at a total cost of $17,600,000, with an estimated first Federal cost of $10,300,000 and an estimated first non-Federal cost of $7,300,000.

MONROE HARBOR, MICHIGAN

The project for navigation, Monroe Harbor, Michigan: Report of the Chief of Engineers, dated November 25, 1981, at a total cost of $142,000,000, with an estimated first Federal cost of $55,500,000 and an estimated first non-Federal cost of $86,500,000, including, for reasons of environmental quality, the formation of a 700 acre marsh in Plum Creek Bay, as described in the report of the District Engineer, Detroit District, dated February 1980, as revised December 15, 1980.

DULUTH-SUPERIOR, MINNESOTA AND WISCONSIN

Fish and fishing.
Wildlife.

(1) The project for navigation, Duluth-Superior, Minnesota and Wisconsin: Report of the Chief of Engineers, dated August 16, 1984, at a total cost of $12,500,000, with an estimated first Federal cost of $6,710,000 and an estimated first non-Federal cost of $5,790,000, including such modifications as the Secretary determines to be necessary and appropriate to mitigate losses of fish and wildlife habitat and productivity. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for measures to mitigate losses of fish and wildlife habitat and productivity. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

(2) The Secretary shall also study, in consultation with appropriate Federal, State, and local agencies and taking into consideration existing plans, studies, and reports, whether it would be more cost-effective and environmentally sound to control future sedimentation than to conduct periodic maintenance dredging of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for implementing measures to control sedimentation if such measures prove to be more cost-effective and environmentally sound.

PASCAGOULA HARBOR, MISSISSIPPI

The project for navigation, Pascagoula Harbor, Mississippi: Report of the Chief of Engineers, dated February 14, 1986, at a total cost of $59,100,000, with an estimated first Federal cost of $35,500,000 and an estimated first non-Federal cost of $23,600,000.

GULFPORT HARBOR, MISSISSIPPI

The project for navigation, Gulfport Harbor, Mississippi: Report of the Chief of Engineers, House Document Numbered 96–18, at a total cost of $81,700,000, with an estimated first Federal cost of $61,100,000 and an estimated first non-Federal cost of $20,600,000; except that, for reasons of environmental quality, dredged material 100 STAT. 4095 from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For the purpose of economic evaluation of this project the benefits from such open water disposal shall be deemed to be at least equal to the costs of such disposal.

PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NEW HAMPSHIRE

The project for navigation, Portsmouth Harbor and Piscataqua River, New Hampshire: Report of the Chief of Engineers, dated February 25, 1985, at a total cost of $22,200,000, with an estimated first Federal cost of $16,700,000 and an estimated first non-Federal cost of $5,500,000, including such modifications as the Secretary determines to be necessary and appropriate to assure that adequate disposal sites are available for construction, operation, and maintenance of such project. The Secretary, in consultation with Federal, State, and local agencies, shall study the adequacy of potential disposal sites necessary for construction, operation, and maintenance of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

GOWANUS CREEK CHANNEL, NEW YORK

The project for navigation, Gowanus Creek Channel, New York: Report of the Chief of Engineers, dated September 14, 1982, at a total cost of $3,310,000, with an estimated first Federal cost of $1,540,000 and an estimated first non-Federal cost of $1,770,000. Notwithstanding section 101 of this Act, the non-Federal share of the cost of such project shall be determined in accordance with the report of the Chief of Engineers.

KILL VAN KULL, NEW YORK AND NEW JERSEY

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at a total cost of $325,000,000, with an estimated first Federal cost of $167,000,000 and an estimated first non-Federal cost of $158,000,000.

WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers, dated September 16, 1980, at a total cost of $10,000,000, with an estimated first Federal cost of $8,300,000 and an estimated first non-Federal cost of $1,700,000.

CLEVELAND HARBOR, OHIO

The project for harbor modification, Cleveland Harbor, Ohio, including bulkheading and other necessary repairs at pier 34 and approach channels and necessary protective structures for mooring basins for transient vessels in the area south of pier 34. The existing dredged material containment site known as site 14 may be used for the containment of excavated material from construction of the project, at a total cost of not to exceed $36,000,000, with an estimated first Federal cost of $27,000,000 and an estimated first non-Federal cost of $9,000,000. 100 STAT. 4096

LORAIN HARBOR, OHIO

The project for navigation, Lorain Harbor, Ohio: Report of the Chief of Engineers, dated February 5, 1985, at a total cost of $5,690,000, with an estimated first Federal cost of $3,740,000 and an estimated first non-Federal cost of $1,950,000.

CHARLESTON HARBOR, SOUTH CAROLINA

The project for navigation, Charleston Harbor, South Carolina: Report of the Chief of Engineers, dated August 27, 1981, including construction of an extension of the harbor navigation channel in the Wando River to the State port authority's Wando River terminal, Report of the Chief of Engineers, at a total cost of $88,500,000, with an estimated first Federal cost of $58,200,000 and an estimated first non-Federal cost of $30,300,000.

BRAZOS ISLAND HARBOR, TEXAS—BROWNSVILLE CHANNEL

The project for navigation, Brazos Island Harbor, Texas—Brownsville Channel: Report of the Chief of Engineers, dated December 20, 1979, at a total cost of $31,900,000, with an estimated first Federal cost of $22,700,000 and an estimated first non-Federal cost of $9,200,000. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for additional measures to mitigate losses of estuarine habitat and productivity associated with the project. The Secretary is authorized to undertake measures which the Secretary determines to be necessary and appropriate to mitigate such losses.

BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON

The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96–26, at a total cost of $38,200,000, with an estimated first Federal cost of $26,200,000 and an estimated first non-Federal cost of $12,000,000; except that a permanent bypass road for the Blair Waterway may be constructed in lieu of construction of the East 11th Street bridge replacement recommended in such report if (1) the Secretary determines that construction of the bypass road is economically and environmentally feasible, (2) construction of the bypass road is approved by the Governor of the State of Washington, and (3) the bypass road is approved through adoption of resolutions by both the Tacoma City Council and the Tacoma Port Commission. If the bypass road is constructed in lieu of the bridge replacement project, the Federal share of the cost of construction of the bypass road shall not exceed an amount equal to the amount which would have been the Federal share of the cost of the bridge replacement project if the bridge replacement project had been carried out in accordance with such report.

GRAYS HARBOR, WASHINGTON

100 STAT. 4097 The project for navigation, Grays Harbor, Washington: Report of the Chief of Engineers, dated May 4, 1985, at a total cost of $95,700,000, with an estimated first Federal cost of $63,100,000 and an estimated first non-Federal cost of $32,600,000.

EAST, WEST, AND DUWAMISH WATERWAYS, WASHINGTON

The project for navigation, East, West, and Duwamish Waterways, Navigation Improvement Study, Seattle Harbor, Washington: Report of the Chief of Engineers, dated May 31, 1985, at a total cost of $60,200,000, with an estimated first Federal cost of $30,300,000 and an estimated first non-Federal cost of $29,900,000.

SAIPAN HARBOR, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

48 USC 1662 note.

The project for navigation and harbor modification, Saipan Harbor, Commonwealth of the Northern Mariana Islands: Report of the Secretary of the Interior, pursuant to Public Law 96-597, prepared by the Army Corps of Engineers dated July 22, 1981, at a total cost of $14,000,000.

SAN JUAN HARBOR, PUERTO RICO

The project for navigation, San Juan Harbor, Puerto Rico: Report of the Chief of Engineers, dated December 23, 1982, at a total cost of $72,300,000, with an estimated first Federal cost of $52,700,000 and an estimated first non-Federal cost of $19,600,000, including the acquisition of 22 acres of land for mitigation of the loss of algal beds associated with the project, as recommended in the report of the District Engineer, Jacksonville, Florida, entitled "Phase I: General Design Memorandum on San Juan Harbor, Puerto Rico".

CROWN BAY CHANNEL—ST. THOMAS HARBOR, VIRGIN ISLANDS

The project for navigation, Crown Bay Channel—St. Thomas Harbor, Virgin Islands: Report of the Chief of Engineers, dated April 9, 1982, at a total cost of $8,290,000, with an estimated first Federal cost of $2,920,000 and an estimated first non-Federal cost of $5,370,000. The Secretary shall monitor the turbidity associated with construction, operation, and maintenance of the project and establish a program to maintain, to the extent feasible, such turbidity at a level which will not damage adjacent ecosystems. In selecting a configuration for the disposal area for dredged material from the project, the Secretary shall consider configurations which will minimize, to the extent feasible, the loss of shallow water habitat.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

FRESH KILLS IN CARTERET, NEW JERSEY

The project for navigation, Fresh Kills in Carteret, New Jersey, which project consists of extending the Arthur Kill Channel at a depth of 40 feet to the Fresh Kills in Carteret, New Jersey, and easing of such bends as the Secretary determines are necessary to enhance navigation, at a total cost of $26,000,000, with an estimated first Federal cost of $19,500,000 and an estimated first non-Federal cost of $6,500,000.

ARTHUR KILL, NEW YORK AND NEW JERSEY

The project for navigation, Arthur Kill, New York and New Jersey, Report of the Board of Engineers for Rivers and Harbors, dated March 31, 1986, at a total cost of $42,600,000, with an estimated first Federal cost of $27,500,000 and an estimated first non-Federal cost of $15,100,000. At such time as construction may be initiated in accordance with the terms of this subsection, the project shall be included in and joined with the Kill van Kull and Newark Bay Channel, New York and New Jersey project under subsection (a) of this section.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for (1) an access channel 45 feet deep below mean low water and generally 450 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel, New York Harbor, westward approximately 12,000 feet along the southern boundary of the Port Jersey peninsula to the head of navigation in Jersey City, New Jersey, at a total cost of $29,700,000, with an estimated first Federal cost of $21,000,000 and an estimated first non-Federal cost of $8,700,000; and (2) for a channel 42 feet deep below mean low water and generally 300 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel westward approximately 11,000 feet to the head of navigation in Claremont Terminal Channel, at a total cost of $16,000,000, with an estimated first Federal cost of $11,300,000 and an estimated first non-Federal cost of $4,700,000. No disposal of dredged material from construction, operation, and maintenance of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York.

(c) PRE-CONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for the following project for a harbor:

LAKE CHARLES, LOUISIANA

The project for deepening of the project for navigation, Lake Charles, Louisiana, to a depth of 45 feet, at a total cost of $1,070,000.

SEC. 203. STUDIES OF PROJECTS BY NON-FEDERAL INTERESTS.

33 USC 2231.

(a) SUBMISSION TO SECRETARY.—A non-Federal interest may on its own undertake a feasibility study of a proposed harbor or inland harbor project and submit it to the Secretary. To assist non-Federal interests, the Secretary shall, as soon as practicable, promulgate guidelines for studies of harbors or inland harbors to provide sufficient information for the formulation of studies.

100 STAT. 4099

(b) **Review by Secretary.**—The Secretary shall review each study submitted under subsection (a) for the purpose of determining whether or not such study and the process under which such study was developed comply with Federal laws and regulations applicable to feasibility studies of navigation projects for harbors or inland harbors.

(c) **Submission to Congress.**—Not later than 180 days after receiving any study submitted under subsection (a), the Secretary shall transmit to the Congress, in writing, the results of such review and any recommendations the Secretary may have concerning the project described in such plan and design.

(d) **Credit and Reimbursement.**—If a project for which a study has been submitted under subsection (a) is authorized by any provision of Federal law enacted after the date of such submission, the Secretary shall credit toward the non-Federal share of the cost of construction of such project an amount equal to the portion of the cost of developing such study that would be the responsibility of the United States if such study were developed by the Secretary.

33 USC 2232.

SEC. 204. CONSTRUCTION OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) **Authority.**—In addition to projects undertaken pursuant to sections 201 and 202 of this title, any non-Federal interest is authorized to undertake navigational improvements in harbors or inland harbors of the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of the actual construction of such improvements.

(b) **Studies and Engineering.**—When requested by an appropriate non-Federal interest the Secretary is authorized to undertake all necessary studies and engineering for any construction to be undertaken under the terms of subsection (a) of this section, and provide technical assistance in obtaining all necessary permits, if the non-Federal interest contracts with the Secretary to furnish the United States funds for such studies and engineering during the period that they are conducted.

(c) **Completion of Studies.**—The Secretary is authorized to complete and transmit to the appropriate non-Federal interest any study for improvements to harbors or inland harbors of the United States which were initiated prior to the date of enactment of this Act, or, upon the request of such non-Federal interest, to terminate such study and transmit such partially completed study to the non-Federal interest. Studies under this subsection shall be completed without regard to the requirements of subsection (b) of this section.

(d) **Authority to Carry Out Improvement.**—Any non-Federal interest which has requested and received from the Secretary pursuant to subsection (b) or (c) of this section, the completed study and engineering for an improvement to a harbor or an inland harbor, or separable element thereof, for the purpose of constructing such improvement and for which improvement a final environmental impact statement has been filed, shall be authorized to carry out the terms of the plan for such improvement. Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority and such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits: Provided, That the Secretary determines that the applicable regulatory criteria and procedures have been satisfied. The Secretary shall monitor any project for which permits are granted under this subsection in order to ensure that such project is constructed (and, in those cases where such activities will not be the responsibility of the Secretary, operated and maintained) in accordance with the terms and conditions of such permits.

100 STAT. 4100

(e) **Reimbursement.**—

(1) **General rule.**—Subject to the enactment of appropriation Acts, the Secretary is authorized to reimburse any non-Federal

interest an amount equal to the estimate of Federal share, without interest, of the cost of any authorized harbor or inland harbor improvement, or separable element thereof, constructed under the terms of this section if—

(A) after authorization of the project and before initiation of construction of the project or separable element—

(i) the Secretary approves the plans of construction of such project by such non-Federal interest, and

Contracts.

(ii) such non-Federal interest enters into an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of such project; and

(B) the Secretary finds before approval of the plans of construction of the project that the project, or separable element, is economically justified and environmentally acceptable.

(2) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing such plans, the Secretary shall consider budgetary and programmatic priorities, potential impacts on the cost of dredging projects nationwide, and other factors that the Secretary deems appropriate.

(3) MONITORING.—The Secretary shall regularly monitor and audit any project for a harbor or inland harbor constructed under this subsection by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary, and that costs are reasonable. No reimbursement shall be made unless and until the Secretary has certified that the work for which reimbursement is requested has been performed in accordance with applicable permits and the approved plans.

(e) OPERATION AND MAINTENANCE.—Whenever a non-Federal interest constructs improvements to any harbor or inland harbor, the Secretary shall be responsible for maintenance in accordance with section 101(b) if—

(1) the Secretary determines, before construction, that the improvements, or separable elements thereof, are economically justified, environmentally acceptable, and consistent with the purposes of this title;

(2) the Secretary certifies that the project is constructed in accordance with applicable permits and the appropriate engineering and design standards; and

(3) the Secretary does not find that the project, or separable element thereof, is no longer economically justified or environmentally acceptable.

(f) DEMONSTRATION OF NON-FEDERAL INTERESTS ACTING AS AGENT OF SECRETARY.—For the purpose of demonstrating the potential advantages and efficiencies of non-Federal management of projects, the Secretary may approve as many as two proposals pursuant to which the non-Federal interests will undertake part or all of a harbor project authorized by Congress as the agent of the Secretary by utilizing its own personnel or by procuring outside services, so long as the cost of doing so will not exceed the cost of the Secretary undertaking the project.

100 STAT. 4101

SEC. 205. COORDINATION AND SCHEDULING OF FEDERAL, STATE, AND LOCAL ACTIONS.

33 USC 2233.

(a) NOTICE OF INTENT.—The Secretary, on request from an appropriate non-Federal interest in the form of a written notice of intent to construct a navigation project for a harbor or inland harbor under section 204 or this section, shall initiate procedures to establish a schedule for consolidating Federal, State, and local agency environmental assessments, project reviews, and issuance of all permits for the construction of the project, including associated access channels, berthing areas, and onshore port-related facilities, before the initiation of construction. The non-Federal interest shall submit, with the notice of intent, studies and documentation, including environmental reviews, that may be required by Federal law for decisionmaking on the proposed project. A State shall not be required to participate in carrying out this section.

Federal Register, publication.

(b) PROCEDURAL REQUIREMENTS.—Within 15 days after receipt of notice under subsection (a), the Secretary shall publish such notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under subsection (a) to all State and local agencies that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in subsection (c). Within 30 days after publication of the notice in the Federal Register, State and local agencies that intend to enter into the memorandum of agreement shall notify the Secretary of their intent in writing.

(c) SCHEDULING AGREEMENT.—Within 90 days after receipt of notice under subsection (a), the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and any State or local agencies that have notified the Secretary under subsection (b) shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with it and with related activities. Such schedule may not exceed two and one-half years from the date of the agreement.

(d) CONTENTS OF AGREEMENT.—The agreement entered into under subsection (c), to the extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency.

(e) PRELIMINARY DECISION.—The agreement shall include a date by which the Secretary, taking into consideration the views of all affected Federal agencies, shall provide to the non-Federal interest in writing a preliminary determination whether the project and Federal permits associated with it are reasonably likely to receive approval.

(f) REVISION OF AGREEMENT.—The Secretary may revise the agreement once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency which is a party to the agreement.

100 STAT. 4102

(g) PROGRESS REPORTS.—Six months before the final date of the schedule, the Secretary shall provide to Congress a written progress report for each navigation project for a harbor or inland harbor subject to this section. The Secretary shall transmit the report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall summarize all work completed under the agreement and shall include a detailed work program that will assure completion of all remaining work under the agreement.

(h) FINAL DECISION.—Not later than the final day of the schedule, the Secretary shall notify the non-Federal interest of the final decision on the project and whether the permit or permits have been issued.

(i) REPORT ON TIMESAVINGS METHODS.—Not later than one year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, and local permits for the construction of navigation projects for harbors or inland harbors and associated activities. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

SEC. 206. NONAPPLICABILITY TO SAINT LAWRENCE SEAWAY.

33 USC 2234.

Sections 203, 204, and 205 do not apply to any harbor or inland harbor project for that portion of the Saint Lawrence Seaway administered by the Saint Lawrence Seaway Development Corporation.

SEC. 207. CONSTRUCTION IN USABLE INCREMENTS.

33 USC 2235.

Any navigation project for a harbor or inland harbor authorized by this title or any other provision of law enacted before, on, or after the date of enactment of this title may be constructed in usable increments.

SEC. 208. PORT OR HARBOR DUES.

33 USC 2236.

Vessels.
Commerce and trade.

(a) CONSENT OF CONGRESS.—Subject to the following conditions, a non-Federal interest may levy port or harbor dues (in the form of tonnage duties or fees) on a vessel engaged in trade entering or departing from a harbor and on cargo loaded on or unloaded from that vessel under clauses 2 and 3 of section 10, and under clause 3 of section 8, of Article 1 of the Constitution:

(1) PURPOSES.—Port or harbor dues may be levied only in conjunction with a harbor navigation project whose construction is complete (including a usable increment of the project) and for the following purposes and in amounts not to exceed those necessary to carry out those purposes:

(A)(i) to finance the non-Federal share of construction and operation and maintenance costs of a navigation project for a harbor under the requirements of section 101 of this Act; or

100 STAT. 4103

(ii) to finance the cost of construction and operation and maintenance of a navigation project for a harbor under section 204 or 205 of this Act; and

(B) provide emergency response services in the harbor, including contingency planning, necessary personnel training, and the procurement of equipment and facilities.

(2) LIMITATION ON PORT OR HARBOR DUES FOR EMERGENCY SERVICE.—Port or harbor dues may not be levied for the purposes described in paragraph (1)(B) of this subsection after the dues cease to be levied for the purposes described in paragraph (1)(A) of this subsection.

(3) GENERAL LIMITATIONS.—(A) Port or harbor dues may not be levied under this section in conjunction with a deepening feature of a navigation improvement project on any vessel if that vessel, based on its design draft, could have utilized the project at mean low water before construction. In the case of project features which solely—

(i) widen channels or harbors,

(ii) create or enlarge bend easings, turning basins or anchorage areas, or provide protected areas, or

(iii) remove obstructions to navigation,

only vessels at least comparable in size to those used to justify these features may be charged under this section.

(B) In developing port or harbor dues that may be charged under this section on vessels for project features constructed under this title, the non-Federal interest may consider such criteria as: elapsed time of passage, safety of passage, vessel economy of scale, under keel clearance, vessel draft, vessel squat, vessel speed, sinkage, and trim.

(C) Port or harbor dues authorized by this section shall not be imposed on—

(i) vessels owned and operated by the United States Government, a foreign country, a State, or a political subdivision of a country or State, unless engaged in commercial services;

(ii) towing vessels, vessels engaged in dredging activities, or vessels engaged in intraport movements; or

(iii) vessels with design drafts of 20 feet or less when utilizing general cargo and deep-draft navigation projects.

(4) FORMULATION OF PORT OR HARBOR DUES.—Port or harbor dues may be levied only on a vessel entering or departing from a harbor and its cargo on a fair and equitable basis. In formulating port and harbor dues, the non-Federal interest shall consider—

(A) the direct and indirect cost of construction, operations, and maintenance, and providing the facilities and services under paragraph (1) of this subsection;

(B) the value of those facilities and services to the vessel and cargo;

(C) the public policy or interest served; and

(D) any other pertinent factors.

(5) NOTICE AND HEARING.—(A) Before the initial levy of or subsequent modification to port or harbor dues under this section, a non-Federal interest shall transmit to the Secretary—

(i) the text of the proposed law, regulation, or ordinance that would establish the port or harbor dues, including provisions for their administration, collection, and enforcement;

(ii) the name, address, and telephone number of an official to whom comments on and requests for further information on the proposal are to be directed;

(iii) the date by which comments on the proposal are due and a date for a public hearing on the proposal at which any interested party may present a statement; however, the non-Federal interest may not set a hearing date earlier than 45 days after the date of publication of the notice in the Federal Register required by subparagraph (B) of this paragraph or set a deadline for receipt of comments earlier than 60 days after the date of publication; and

(iv) a written statement signed by an appropriate official that the non-Federal interest agrees to be governed by the provisions of this section.

Federal Register, publication.

(B) On receiving from a non-Federal interest the information required by subparagraph (A) of this paragraph, the Secretary shall transmit the material required by clauses (i) through (iii) of subparagraph (A) of this paragraph to the Federal Register for publication.

(C) Port or harbor dues may be imposed by a non-Federal interest only after meeting the conditions of this paragraph.

(6) REQUIREMENTS ON NON-FEDERAL INTEREST.—A non-Federal interest shall—

Public information.

(A) file a schedule of any port or harbor dues levied under this subsection with the Secretary and the Federal Maritime Commission, which the Commission shall make available for public inspection;

Records.

(B) provide to the Comptroller General of the United States on request of the Comptroller General any records or other evidence that the Comptroller General considers to be necessary and appropriate to enable the Comptroller General to carry out the audit required under subsection (b) of this section;

(C) designate an officer or authorized representative, including the Secretary of the Treasury acting on a cost-reimbursable basis, to receive tonnage certificates and cargo manifests from vessels which may be subject to the levy of port or harbor dues, export declarations from shippers, consignors, and terminal operators, and such other documents as the non-Federal interest may by law, regulation, or ordinance require for the imposition, computation, and collection of port or harbor dues; and

(D) consent expressly to the exclusive exercise of Federal jurisdiction under subsection (c) of this section.

(b) AUDITS.—The Comptroller General of the United States shall—

(1) carry out periodic audits of the operations of non-Federal interests that elect to levy port or harbor dues under this section to determine if the conditions of subsection (a) of this section are being complied with;

Reports.

(2) submit to each House of the Congress a written report containing the findings resulting from each audit; and

(3) make any recommendations that the Comptroller General considers appropriate regarding the compliance of those non-Federal interests with the requirements of this section.

100 STAT. 4105

Courts, U.S.

(c) JURISDICTION.—(1) The district court of the United States for the district in which is located a non-Federal interest that levies port or harbor dues under this section has original and exclusive jurisdiction over any matter arising out of or concerning, the imposition, computation, collection, and enforcement of port or harbor dues by a non-Federal interest under this section.

(2) Any person who suffers legal wrong or is adversely affected or aggrieved by the imposition by a non-Federal interest of a proposed scheme or schedule of port or harbor dues under this section may, not later than 180 days after the date of hearing under subsection (a)(5)(A)(iii) of this section, commence an action to seek judicial review of that proposed scheme or schedule in the appropriate district court under paragraph (1).

(3) On petition of the Attorney General or any other party, that district court may—

(A) grant appropriate injunctive relief to restrain an action by that non-Federal interest violating the conditions of consent in subsection (a) of this section;

(B) order the refund of any port or harbor dues not lawfully collected; and

(C) grant other appropriate relief or remedy.

(d) COLLECTION OF DUTIES.—

(1) DELIVERY OF CERTIFICATE AND MANIFEST —

(A) UPON ARRIVAL OF VESSEL.—Upon the arrival of a vessel in a harbor in which the vessel may be subject to the levy of port or harbor dues under this section, the master of that vessel shall, within forty-eight hours after arrival and before any cargo is unloaded from that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(6)(C) of this section a tonnage certificate for the vessel and a manifest of the cargo aboard that vessel or, if the vessel is in ballast, a declaration to that effect.

(B) BEFORE DEPARTURE OF VESSEL.—The shipper, consignor, or terminal operator having custody of any cargo to be loaded on board a vessel while the vessel is in a harbor in which the vessel may be subject to the levy of port or harbor dues under this section shall, within forty-eight hours before departure of that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(6)(C) of this section an export declaration specifying the cargo to be loaded on board that vessel.

(e) ENFORCEMENT.—At the request of an authorized representative referred to in subsection (a)(6)(C) of this section, the Secretary of the Treasury may:

(1) withhold the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) for a vessel if the master, owner, or operator of a vessel subject to port or harbor dues under this section fails to comply with the provisions of this section including any non-Federal law, regulation or ordinance issued hereunder; and

(2) assess a penalty or initiate a forfeiture of the cargo in the same manner and under the same procedures as are applicable for failure to pay customs duties under the Tariff Act of 1930 (19 App. U.S.C. 1202 et seq.) if the shipper, consignor, consignee, or terminal operator having title to or custody of cargo subject to port or harbor dues under this section fails to comply with the provisions of this section including any non-Federal law, regulation, or ordinance issued hereunder.

(f) Maritime Lien.—Port or harbor dues levied under this section against a vessel constitute a maritime lien against the vessel and port or harbor dues levied against cargo constitute a lien against the cargo that may be recovered in an action in the district court of the United States for the district in which the vessel or cargo is found.

33 USC 2237.

SEC. 209. INFORMATION FOR NATIONAL SECURITY.

Any non-Federal interest shall provide the United States the information necessary for military readiness planning and harbor, inland harbor, and national security, including information necessary to obtain national security clearances for individuals employed in critical harbor and inland harbor positions.

33 USC 2238.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) Trust Fund.—There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of the Internal Revenue Code of 1954, for each fiscal year such sums as may be necessary to pay— 26 USC 9505.

(1) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation for such fiscal year; and

(2) not more than 40 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.

(b) General Fund.—There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all eligible operations and maintenance costs not provided by payments from the Harbor Maintenance Trust Fund under this section.

New Jersey.
33 USC 2239.

SEC. 211. ALTERNATIVES TO MUD DUMP FOR DISPOSAL OF DREDGED MATERIAL.

(a) Designation of Alternative Sites.—Not later than three years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate one or more sites in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 for the disposal of dredged material which, without such designation, would be disposed of at the Mud Dump (as defined in subsection (g)). The designated site or sites shall be located not less than 20 miles from the shoreline. The Administrator, in determining sites for possible designation under this subsection, shall consult with the Secretary and appropriate Federal, State, interstate, and local agencies. 33 USC 1401 note.

Effective date.

(b) Use of Newly Designated Site.—Beginning on the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), any ocean disposal of dredged material (other than acceptable dredged material) by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation shall take place at the newly designated ocean disposal site or sites under subsection (a) in lieu of the Mud Dump.

(c) INTERIM AVAILABILITY OF LAWFUL SITES.—Until the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), there shall be available a lawful site for the ocean disposal of dredged material by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation.

33 USC 1401 note.

(d) STATUS REPORTS.—Not later than one year after the date of enactment of this Act and annually thereafter until the designation of one or more sites under subsection (a), the Administrator of the Environmental Protection Agency shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate describing the status of such designation.

(e) FUTURE USE OF MUD DUMP RESTRICTED TO ACCEPTABLE DREDGED MATERIAL.—Notwithstanding any other provision of law, including any regulation, the Secretary shall ensure that, not later than the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), all existing and future Department of the Army permits and authorizations for disposal of dredged material at the Mud Dump shall be modified, revoked, and issued (as appropriate) to ensure that only acceptable dredged material will be disposed of at such site and that all other dredged material determined to be suitable for ocean disposal will be disposed of at the site or sites designated pursuant to subsection (a) of this section.

(f) DEFINITION OF ACCEPTABLE DREDGED MATERIAL.—For purposes of this section, the term "acceptable dredged material" means rock, beach quality sand, material excluded from testing under the ocean dumping regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972, and any other dredged material (including that from new work) determined by the Secretary, in consultation with the Administrator, to be substantially free of pollutants.

(g) DEFINITION OF MUD DUMP.—For purposes of this section, the term "Mud Dump" means the area located approximately 5¾ miles east of Sandy Hook, New Jersey, with boundary coordinates of 40 degrees 23 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; and 40 degrees 23 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W.

SEC. 212. EMERGENCY RESPONSE SERVICES.

33 USC 2240.

State and local governments.

(a) GRANTS.—The Secretary is authorized to make grants to any non-Federal interest operating a project for a harbor for provision of emergency response services in such harbor (including contingency planning, necessary personnel training, and the procurement of equipment and facilities either by the non-Federal interest, by a local agency or municipality, or by a combination of local agencies or municipalities on a cost-reimbursable basis, either by a cooperative agreement, mutual aid plan, or mutual assistance plan entered into between one or more non-Federal interests, public agencies, or local municipalities).

100 STAT. 4108

(b) Authorization of Appropriations.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, and ending before October 1, 1992, $5,000,000.

SEC. 213. HARBOR OFFICE AT MORRO BAY, CALIFORNIA.

For reasons of navigation safety, subject to section 903(a) of this Act, the Secretary is authorized to make a grant to the non-Federal interest operating Morro Bay Harbor, California, for construction of a new harbor office at such harbor, at a total cost of $500,000, with an estimated first Federal cost of $375,000 and an estimated first non-Federal cost of $125,000.

33 USC 2241.

SEC. 214. DEFINITIONS.

For purposes of this title—

(1) Deep-draft harbor.—The term "deep-draft harbor" means a harbor which is authorized to be constructed to a depth of more than 45 feet (other than a project which is authorized by section 202 of this title).

(2) Eligible operations and maintenance.—(A) Except as provided in subparagraph (B), the term "eligible operations and maintenance" means all operations, maintenance, repair, and rehabilitation, including maintenance dredging reasonably necessary to maintain the width and nominal depth of any harbor or inland harbor.

(B) As applied to the Saint Lawrence Seaway, the term "eligible operations and maintenance" means all operations, maintenance, repair, and rehabilitation, including maintenance dredging reasonably necessary to keep such Seaway or navigation improvements operated or maintained by the Saint Lawrence Seaway Development Corporation in operation and reasonable state of repair.

(C) The term "eligible operations and maintenance" does not include providing any lands, easements, rights-of-way, or dredged material disposal areas, or performing relocations required for project operations and maintenance.

(3) General cargo harbor.—The term "general cargo harbor" means a harbor for which a project is authorized by section 202 of this title and any other harbor which is authorized to be constructed to a depth of more than 20 feet but not more than 45 feet;

(4) Harbor.—The term "harbor" means any channel or harbor, or element thereof, in the United States, capable of being utilized in the transportation of commercial cargo in domestic or foreign waterborne commerce by commercial vessels. The term does not include—

(A) an inland harbor;

(B) the Saint Lawrence Seaway;

(C) local access or berthing channels;

(D) channels or harbors constructed or maintained by nonpublic interests; and

(E) any portion of the Columbia River other than the channels on the downstream side of Bonneville lock and dam.

(5) Inland harbor.—The term "inland harbor" means a navigation project which is used principally for the accommodation of commercial vessels and the receipt and shipment of waterborne cargoes on inland waters. The term does not include—

100 STAT. 4109

(A) projects on the Great Lakes;

(B) projects that are subject to tidal influence;

(C) projects with authorized depths of greater than 20 feet;

(D) local access or berthing channels; and

(E) projects constructed or maintained by nonpublic interests.

(6) NOMINAL DEPTH.—The term "nominal depth" means, in relation to the stated depth for any navigation improvement project, such depth, including any greater depths which must be maintained for any harbor or inland harbor or element thereof included within such project in order to ensure the safe passage at mean low tide of any vessel requiring the stated depth.

(7) NON-FEDERAL INTEREST.—The term "non-Federal interest" has the meaning such term has under section 221 of the Flood Control Act of 1970 and includes any interstate agency and port authority established under a compact entered into between two or more States with the consent of Congress under section 10 of Article I of the Constitution.

42 USC 1962d-5b.

(8) UNITED STATES.—The term "United States" means all areas included within the territorial boundaries of the United States, including the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession over which the United States exercises jurisdiction.

SEC. 215. SHORT TITLE.

33 USC 2201 note.

This title may be cited as the "Harbor Development and Navigation Improvement Act of 1986".

TITLE III—INLAND WATERWAY TRANSPORTATION SYSTEM

SEC. 301. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for the benefit of navigation are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

OLIVER LOCK AND DAM, BLACK WARRIOR-TOMBIGBEE RIVER, ALABAMA

Construction of a lock and dam to replace the William Bacon Oliver Lock and Dam, Black Warrior-Tombigbee River, Alabama: Report of the Chief of Engineers, dated September 26, 1984, at a total cost of $150,000,000, with a first Federal cost of $150,000,000.

LOCKS AND DAMS 5 THROUGH 14, KENTUCKY RIVER, KENTUCKY

Disposition of Kentucky River, Kentucky, Locks and Dams 5 through 14, Report of the Chief of Engineers, dated July 2, 1984, for disposition purposes without any construction cost.

100 STAT. 4110

GALLIPOLIS LOCKS AND DAM REPLACEMENT, OHIO RIVER, OHIO AND WEST VIRGINIA

The project for navigation, Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers, dated April 8, 1982, and Supplemental Report of the Chief of Engineers, dated August 13, 1983, at a total cost of $285,000,000, with a first Federal cost of $285,000,000.

BONNEVILLE LOCK AND DAM, OREGON AND WASHINGTON—COLUMBIA RIVER AND TRIBUTARIES, WASHINGTON

Birds.

The project for navigation, Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries, Interim Report: Report of the Chief of Engineers, dated March 14, 1980, and the Supplement thereto, dated February 10, 1981, at a total cost of $191,000,000, with a first Federal cost of $191,000,000. Dredged material from the project shall be disposed of at such sites considered by the Secretary to be appropriate to the extent necessary to prevent damage to the Blue Heron rookery on Pierce and Ives Islands. No construction shall take place on Pierce and Ives Islands during the heron nesting period.

LOCK AND DAM 7 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

Fish and fishing.
Wildlife.

The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated September 24, 1984, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at a total cost of $123,000,000, with a first Federal cost of $123,000,000.

LOCK AND DAM 8 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

Fish and fishing.
Wildlife.

The project for navigation, Lock and Dam 8 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated September 24, 1984, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at a total cost of $82,900,000, with a first Federal cost of $82,900,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

WINFIELD LOCKS AND DAM, KANAWHA RIVER, WEST VIRGINIA

Fish and fishing.
Wildlife.

Construction of improvements to, and an additional lock in the vicinity of, the Winfield Locks and Dam, Kanawha River, West Virginia, and acquisition of lands for fish and wildlife mitigation in such vicinity, at a total cost of $153,000,000, with a first Federal cost of $153,000,000.

100 STAT. 4111

33 USC 2251.

SEC. 302. INLAND WATERWAYS USERS BOARD.

(a) ESTABLISHMENT OF USERS BOARD.—There is hereby established an Inland Waterway Users Board (hereinafter in this section referred to as the "Users Board") composed of the eleven members selected by the Secretary, one of whom shall be designated by the Secretary as Chairman. The members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways. The Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation, and Commerce may each designate, a representative to act as an observer of the Users Board.

(b) DUTIES.—The Users Board shall meet at least semi-annually to develop and make recommendations to the Secretary regarding construction and rehabilitation priorities and spending levels on the commercial navigational features and components of the inland waterways and inland harbors of the United States for the following fiscal years. Any advice or recommendation made by the Users Board to the Secretary shall reflect the independent judgment of the Users Board. The Users Board shall, by December 31, 1987, and annually thereafter file such recommendations with the Secretary and with the Congress.

(c) ADMINISTRATION.—The Users Board shall be subject to the Federal Advisory Committee Act (83 Stat. 770; 5 U.S.C. App.), other than section 14, and, with the consent of the appropriate agency head, the Users Board may use the facilities and services of any Federal agency. Non-Federal members of the Users Board while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

TITLE IV—FLOOD CONTROL

SEC. 401. AUTHORIZATION OF PROJECTS.

Studies.
Reports.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for the control of destructive floodwaters are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

VILLAGE CREEK, ALABAMA

The project for flood control, Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers, dated December 23, 1982, at a total cost of $31,600,000, with an estimated first Federal cost of $23,600,000 and an estimated first non-Federal cost of $8,000,000.

THREEMILE CREEK, ALABAMA

The project for flood control, Threemile Creek, Mobile, Alabama: Report of the Chief of Engineers, dated April 20, 1984, at a total cost of $19,100,000, with an estimated first Federal cost of $13,400,000 and an estimated first non-Federal cost of $5,700,000.

100 STAT. 4112

LITTLE COLORADO RIVER, ARIZONA

The project for flood control, Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $11,900,000, with an estimated first Federal cost of $8,940,000 and an estimated first non-Federal cost of $2,960,000.

EIGHT MILE CREEK, PARAGOULD, ARKANSAS

The project for flood control, Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers, dated August 10, 1979, at a total cost of $16,100,000, with an estimated first Federal cost of $11,200,000 and an estimated first non-Federal cost of $4,900,000.

FOURCHE BAYOU BASIN, ARKANSAS

The project for flood control, Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers, dated September 4, 1981, at a total cost of $33,400,000, with an estimated first Federal cost of $25,100,000 and an estimated first non-Federal cost of $8,300,000.

HELENA AND VICINITY, ARKANSAS

The project for flood control, Helena and Vicinity, Arkansas: Report of the Chief of Engineers, dated June 22, 1983, at a total cost of $15,000,000, with an estimated first Federal cost of $11,200,000 and an estimated first non-Federal cost of $3,800,000.

WEST MEMPHIS AND VICINITY, ARKANSAS

The project for flood control, West Memphis and Vicinity, Arkansas: Report of the Chief of Engineers, dated September 7, 1984, at a total cost of $21,900,000, with an estimated first Federal cost of $15,400,000 and an estimated first non-Federal cost of $6,500,000.

CACHE CREEK BASIN, CALIFORNIA

The project for flood control, Cache Creek Basin, California: Report of the Chief of Engineers, dated April 27, 1981, at a total cost of $28,500,000, with an estimated first Federal cost of $19,000,000 and an estimated first non-Federal cost of $9,500,000, except that, in lieu of constructing the recommended bypass channel, the Secretary shall accomplish the purposes of the project by removing the rock formation at the outlet channel and widening and deepening the channel in accordance with alternative 8 as described in the Feasibility Study of the District Engineer dated August 1979. The Secretary shall act in coordination with the State of California to assure that such project poses no danger to any component of its State park system.

REDBANK AND FANCHER CREEKS, CALIFORNIA

The project for flood control, Redbank and Fancher Creeks, California: Report of the Chief of Engineers, dated May 7, 1981, at a total cost of $84,600,000, with an estimated first Federal cost of $64,900,000 and an estimated first non-Federal cost of $19,700,000. The project shall include measures determined appropriate by the Secretary to minimize adverse effects on groundwater and to maximize benefits to groundwater, including ground water recharge.

100 STAT. 4113

SANTA ANA RIVER MAINSTEM, CALIFORNIA

Dams.

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, at a total cost of $1,090,000,000, with an estimated first Federal cost of $809,000,000 and an estimated first non-Federal cost of $281,000,000, except that in lieu of the Mentone Dam feature of the project and subject to the provisions of section 903(b) of this Act, the Secretary is authorized to plan, design, and construct a flood control storage dam on the upper Santa Ana River. Any relocation of the Talbert Valley Channel undertaken in connection with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood. If a non-Federal sponsor agrees to pay at least 50 percent of the cost of such investigation, the Secretary is authorized to investigate the feasibility of including water supply and conservation storage at Prado Dam. The Secretary of the Interior, in consultation with the Secretary, shall carry out such studies and analyses as he deems necessary to determine (1) the effects of water supply and conservation at Prado Dam on existing oil and gas leasehold interests owned by Prado Petroleum Company, and (2) the feasibility of exchanging the leasehold interests owned by Prado Petroleum Company for property of substantially equivalent value under the jurisdiction of the Secretary of the Interior. Such studies and analyses shall be completed within one year of the date of enactment of this Act. Pursuant to the Water Supply Act of 1958, any additional water supply and conservation storage at Prado Dam as may be recommended by the Secretary based on the investigation under this paragraph is authorized upon the exchange of leasehold interests in accordance with the recommendations of the Secretary of the Interior's studies. Nothing in this paragraph affects the Secretary's and the Secretary of the Interior's existing authority to operate Prado Dam for water supply and conservation.

43 USC 390b.

FOUNTAIN CREEK, COLORADO

The project for flood control, Fountain Creek, Pueblo, Colorado phase I GDM: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $8,600,000, with an estimated first Federal cost of $6,320,000 and an estimated first non-Federal cost of $2,280,000.

METROPOLITAN DENVER, COLORADO

The project for flood control, Metropolitan Denver and South Platte River and Tributaries, Colorado, Wyoming, and Nebraska: Reports of the Chief of Engineers, dated December 23, 1981, and July 14, 1983, House Document Numbered 98-265, at a total cost of $10,800,000, with an estimated first Federal cost of $8,100,000 and an estimated first non-Federal cost of $2,700,000. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after January 1, 1978, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

OATES CREEK, GEORGIA

Wildlife.

The project for flood control, Oates Creek, Georgia: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $13,700,000, with an estimated first Federal cost of $9,600,000 and an estimated first non-Federal cost of $4,100,000. Such project shall include (1) measures determined by the Secretary to be necessary and appropriate to minimize pollution of shallow ground and surface waters which may result from construction of the project, and (2) planting of vegetation along the channel for purposes of enhancing wildlife habitat.

ALENAIO STREAM, HAWAII

The project for flood control, Alenaio Stream, Hawaii: Report of the Chief of Engineers, dated August 15, 1983, at a total cost of $7,860,000, with an estimated first Federal cost of $5,500,000 and an estimated first non-Federal cost of $2,360,000.

LITTLE WOOD RIVER, IDAHO

Fish and fishing.

The project for flood control, Little Wood River, vicinity of Gooding and Shoshone, Idaho: Report of the Chief of Engineers, dated November 2, 1977, Senate Document Numbered 96-9, at a total cost of $4,530,000, with an estimated first Federal cost of $3,400,000 and an estimated first non-Federal cost of $1,130,000. After completion of the project, the Secretary shall evaluate and monitor the extent of any fish losses that are attributable to the project and undertake such additional mitigation measures as he determines appropriate.

ROCK RIVER, ILLINOIS

The project for flood control, Rock River, Rockford and Vicinity, Illinois (Loves Park Interim): Report of the Chief of Engineers, dated September 15, 1980, at a total cost of $31,300,000, with an estimated first Federal cost of $23,500,000 and an estimated first non-Federal cost of $7,800,000. The project shall include flood protection measures along Small Unnamed Creek, as described in the Interim Report of the District Engineer, Rock Island, dated February 1979. Before the acquisition of land for, or the actual construction of, the project the Secretary shall study the probable effects of the project on existing recreational resources in the project area and, as part of the project, shall undertake such measures as he determines necessary and appropriate to mitigate any adverse effects on such recreation resources.

SOUTH QUINCY DRAINAGE AND LEVEE DISTRICT, ILLINOIS

Wildlife.

The project for flood control, South Quincy Drainage and Levee District, Illinois: Report of the Chief of Engineers, dated January 24, 1984, at a total cost of $11,900,000, with an estimated first Federal cost of $8,900,000 and an estimated first non-Federal cost of $3,000,000. The Secretary shall, to the extent feasible, obtain borrow material from sites in the main channel of the Mississippi River and place fill material on the landward side of the existing levee in order to protect wildlife habitat. 100 STAT. 4115

NORTH BRANCH OF CHICAGO RIVER, ILLINOIS

The project for flood protection for the North Branch of the Chicago River, Illinois: Report of the Chief of Engineers, dated October 29, 1984, at a total cost of $22,700,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $7,700,000. In recognition of the flood damage prevention benefits provided in the North Branch of the Chicago River, Illinois Basin, by the Techny Reservoirs constructed by non-Federal interests on the West Fork of the North Branch of the Chicago River and by the Mid Fork Reservoir and the Mid Fork Pumping Station constructed by non-Federal interests on the Middle Fork of the North Branch of the Chicago River, the Secretary shall, subject to such amounts as are provided in appropriation Acts, reimburse non-Federal interests for an amount equal to 50 percent of the costs of planning and construction of such reservoirs and pumping station.

O'HARE SYSTEM OF THE CHICAGOLAND UNDERFLOW PLAN, ILLINOIS

The project for flood control, O'Hare System of the Chicagoland Underflow Plan, Illinois: Report of the Chief of Engineers, dated June 3, 1985, at a total cost of $18,400,000, with an estimated first Federal cost of $14,800,000 and an estimated first non-Federal cost of $3,600,000, except that the capacity of the flood control reservoir shall be at least 1,050 acre-feet in order to provide optimum storage capacity for flood control purposes.

LITTLE CALUMET RIVER, INDIANA

The project for flood control, Little Calumet River, Indiana: In accordance with plan 3A contained in the Report of the Chief of Engineers, dated July 2, 1984, provided that all of the features of the plan 3A as recommended by and described in the report of the District Engineer are included, at a total cost of $87,100,000, with an estimated first Federal cost of $65,300,000 and an estimated first non-Federal cost of $21,800,000.

LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), INDIANA

The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, designated as Plan D as described in the Final Feasibility Report of the District Engineer, dated April 1984, at a total cost of $11,200,000, with an estimated first Federal cost of $6,600,000 and an estimated first non-Federal cost of $4,600,000.

GREEN BAY LEVEE AND DRAINAGE DISTRICT NUMBER 2, IOWA

The project for flood control, Mississippi River, Coon Rapids Dam to Ohio River, Green Bay Levee and Drainage District Number 2, Iowa: Report of the Chief of Engineers, dated October 21, 1981, except that borrow material for the project shall be obtained from the island source as recommended by the District Engineer, Rock Island District, in his report dated November 1978, and revised November 1979, at a total cost of $6,850,000, with an estimated first Federal cost of $5,140,000 and an estimated first non-Federal cost of $1,710,000.

PERRY CREEK, IOWA

The project for flood control, Perry Creek, Iowa: Report of the Chief of Engineers, dated February 4, 1982, House Document Numbered 98–179, at a total cost of $44,600,000, with an estimated first Federal cost of $31,200,000 and an estimated first non-Federal cost of $13,400,000.

DES MOINES RIVER BASIN, IOWA AND MINNESOTA

The project for flood control, Des Moines River Basin, Iowa and Minnesota: Report of the Chief of Engineers, dated July 22, 1977, at a total cost of $15,200,000, with an estimated first Federal cost of $10,900,000 and an estimated first non-Federal cost of $4,300,000. The Secretary shall, in consultation with appropriate Federal, State, and local agencies, study the feasibility of minimizing increased flood stages along Jordon Creek in the vicinity of the Chicago, Rock Island and Pacific Railroad Bridge and the implementation of nonstructural and structural flood plain management techniques along the reach of Walnut Creek, including the improvement of channel capacity in the vicinity of Grand Avenue. In addition, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, review the location of river access points and boat ramps.

HALSTEAD, KANSAS

Fish and fishing.
Wildlife.

The project for flood control, Halstead, Kansas: Report of the Chief of Engineers, dated May 8, 1979, at a total cost of $7,200,000, with an estimated first Federal cost of $5,400,000 and an estimated first non-Federal cost of $1,800,000, including the acquisition of such additional lands and access points as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the need for additional lands for mitigation of fish and wildlife losses caused by the project and the need for additional access points to the Little Arkansas River. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study.

UPPER LITTLE ARKANSAS RIVER, KANSAS

The project for flood control, Upper Little Arkansas River Watershed, Kansas: Report of the Chief of Engineers, dated December 18, 1983, at a total cost of $12,400,000, with an estimated first Federal cost of $9,300,000 and an estimated first non-Federal cost of $3,100,000.

ARKANSAS CITY, KANSAS

The project for flood control, Arkansas City, Kansas: Report of the Chief of Engineers dated September 9, 1985, at a total cost of $14,500,000, with an estimated first Federal cost of $10,880,000 and an estimated first non-Federal cost of $3,620,000.

BUSHLEY BAYOU, LOUISIANA

The project for flood control, Bushley Bayou, Louisiana: Reports of the Chief of Engineers, dated April 30, 1980, and August 12, 1982, at a total cost of $45,700,000, with an estimated first Federal cost of $32,800,000 and an estimated first non-Federal cost of $12,900,000.

LOUISIANA STATE PENITENTIARY LEVEE

Fish and fishing.
Wildlife.

The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana: Report of the Chief of Engineers, dated

December 10, 1982, at a total cost of $23,400,000, with an estimated first Federal cost of $17,600,000 and an estimated first non-Federal cost of $5,800,000. No acquisition of land for or actual construction of the project may be commenced until appropriate non-Federal interests shall agree to undertake measures to minimize the loss of fish and wildlife habitat lands in the project area.

QUINCY COASTAL STREAMS, MASSACHUSETTS

The project for flood control, Quincy Coastal Streams, Massachusetts (Town Brook Interim): Reports of the Chief of Engineers, dated December 14, 1981 and December 13, 1984, at a total cost of $27,400,000, with an estimated first Federal cost of $20,600,000 and an estimated first non-Federal cost of $6,800,000. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after January 1, 1978, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

ROUGHANS POINT, MASSACHUSETTS

The project for flood control, Roughans Point, Revere, Massachusetts: Report of the Chief of Engineers, dated May 4, 1985, at a total cost of $9,200,000, with an estimated first Federal cost of $6,400,000 and an estimated first non-Federal cost of $2,800,000.

REDWOOD RIVER, MINNESOTA

The project for flood control, Redwood River at Marshall, Minnesota: Report of the Chief of Engineers, dated November 16, 1981, at a total cost of $4,370,000, with an estimated first Federal cost of $3,100,000 and an estimated first non-Federal cost of $1,270,000.

ROOT RIVER BASIN, MINNESOTA

The project for flood control, Root River Basin, Minnesota: Report of the Chief of Engineers, dated May 13, 1977, House Document Numbered 96–17, at a total cost of $8,360,000, with an estimated first Federal cost of $6,270,000 and an estimated first non-Federal cost of $2,090,000.

SOUTH FORK ZUMBRO RIVER, MINNESOTA

The project for flood control, South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers, dated February 23, 1979, at a total cost of $61,500,000, with an estimated first Federal cost of $46,000,000 and an estimated first non-Federal cost of $15,500,000.

100 STAT. 4118

MISSISSIPPI RIVER AT ST. PAUL, MINNESOTA

The project for flood control, Mississippi River at St. Paul, Minnesota: Report of the Chief of Engineers, dated June 16, 1983, at a total cost of $8,610,000, with an estimated first Federal cost of $6,460,000 and an estimated first non-Federal cost of $2,150,000.

SOWASHEE CREEK, MERIDIAN, MISSISSIPPI

The project for flood control, Sowashee Creek, Meridian, Mississippi: Report of the Chief of Engineers, dated February 25, 1985, at a total cost of $17,500,000, with an estimated first Federal cost of $12,300,000 and an estimated first non-Federal cost of $5,200,000.

MALINE CREEK, MISSOURI

The project for flood control, Maline Creek, Missouri: Report of the Chief of Engineers, dated November 2, 1982, at a total cost of $62,900,000, with an estimated first Federal cost of $43,700,000 and an estimated first non-Federal cost of $19,200,000.

ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI

Fish and fishing.
Wildlife.

The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri: Report of the Chief of Engineers, dated January 4, 1983, at a total cost of $112,000,000, with an estimated first Federal cost of $78,500,000 and an estimated first non-Federal cost of $33,500,000, except that the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 908 of this Act, and except that lands acquired by the State of Missouri after January 1, 1982, for mitigation of damage to fish and wildlife within the Ten Mile Pond mitigation area shall be counted as part of the total quantity of mitigation lands required for the project and shall be maintained by such State for such purpose.

STE. GENEVIEVE, MISSOURI

The project for flood control, Ste. Genevieve, Missouri: Report of the Board of Engineers for Rivers and Harbors, dated April 16, 1985, at a total cost of $34,400,000, with an estimated first Federal cost of $25,800,000 and an estimated first non-Federal cost of $8,600,000. Congress finds that, in view of the historic preservation benefits resulting from the project, the overall benefits of the project exceed the costs of the project.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

The project for flood control, Brush Creek and Tributaries, Missouri and Kansas: Report of the Chief of Engineers, dated January 3, 1983, at a total cost of $16,100,000, with an estimated first Federal cost of $12,100,000 and an estimated first non-Federal cost of $4,000,000.

CAPE GIRARDEAU, MISSOURI

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri: Report of the Chief of Engineers, dated December 8, 1984, at a total cost of $25,100,000, with an estimated first Federal cost of $18,700,000 and an estimated first non-Federal cost of $6,400,000, except that the project shall include the nonstructural measures recommended in the Report of the Division Engineer, dated January 3, 1983.

100 STAT. 4119

PAPPILLION CREEK AND TRIBUTARIES LAKES, NEBRASKA

The project for flood control, Pappillion Creek and Tributaries Lakes, Nebraska: Report of the Chief of Engineers, dated June 12, 1986, at a total cost of $6,400,000, with an estimated first Federal cost of $4,800,000 and an estimated first non-Federal cost of $1,600,000.

RAHWAY RIVER AND VAN WINKLES BROOK, NEW JERSEY

The project for flood control, Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers, dated October 24, 1975, House Document Numbered 96-20, at a total cost of $17,500,000, with an estimated first Federal cost of $12,500,000 and an estimated first non-Federal cost of $5,000,000.

ROBINSON'S BRANCH—RAHWAY RIVER, NEW JERSEY

The project for flood control, Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers, dated October 10, 1975, House Document Numbered 96-21, at a total cost of $26,600,000, with an estimated first Federal cost of $20,000,000 and an estimated first non-Federal cost of $6,600,000.

GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY

The project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey: Report of the Chief of Engineers, dated September 4, 1981, at a total cost of $203,000,000, with an estimated first Federal cost of $151,000,000 and an estimated first non-Federal cost of $52,000,000. Such project shall include flood protection for the upper Green Brook Sub-basin and the Stony Brook tributary, as described in plan A in the report of the District Engineer, New York District, dated August 1980.

MOLLY ANN'S BROOK, NEW JERSEY

The project for flood control, Molly Ann's Brook, New Jersey: Report of the Chief of Engineers dated December 31, 1985, at a total cost of $21,600,000, with an estimated first Federal cost of $16,200,000 and an estimated first non-Federal cost of $5,400,000.

LOWER SADDLE RIVER, NEW JERSEY

Fish and fishing.

The project for flood control, Lower Saddle River, New Jersey: Report of the Chief of Engineers dated January 28, 1986, at a total cost of $36,500,000, with an estimated first Federal cost of $25,800,000 and an estimated first non-Federal cost of $10,700,000, including such modifications as the Secretary determines to be necessary and appropriate to improve aquatic habitat, including but not limited to the following instream habitat structures: pool-riffle areas, submerged scour holes, wing dam deflectors, and low-flow pilot channels. The instream habitat structures shall be carried out on the Saddle River beginning at Grove Street in Ridgewood, New Jersey, and continuing downstream to the Passaic River, on Sprout Brook from the Garden State Parkway to the Saddle River, and on Hohokus Brook from Grove Street downstream to the Saddle River.

100 STAT. 4120

RAMAPO RIVER AT OAKLAND, NEW JERSEY

The project for flood control, Ramapo River at Oakland, New Jersey: Report of the Chief of Engineers dated January 28, 1986, at a total cost of $6,450,000, with an estimated first Federal cost of $4,840,000 and an estimated first non-Federal cost of $1,610,000.

RAMAPO AND MAHWAH RIVERS, NEW JERSEY AND NEW YORK

The project for flood control, Ramapo and Mahwah Rivers, New Jersey and New York: Report of the Chief of Engineers dated November 27, 1984, at a total cost of $6,260,000, with an estimated first Federal cost of $4,630,000 and an estimated first non-Federal cost of $1,630,000.

MIDDLE RIO GRANDE, NEW MEXICO

Fish and fishing.
Wildlife.

The project for flood control, Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers, dated June 23, 1981, at a total cost of $44,900,000, with an estimated first Federal cost of $33,700,000 and an estimated first non-Federal cost of $11,200,000. The Secretary is authorized also to increase flood protection through the dredging of the bed of the Rio Grande in the vicinity of Albuquerque, New Mexico, to an elevation lower than existed on the date of enactment of this Act. The project shall include the establishment of 75 acres of wetlands for fish and wildlife habitat and the acquisition of 200 acres of land for mitigation of fish and wildlife losses, as recommended by the District Engineer, Albuquerque District, in his report dated June 13, 1979.

PUERCO RIVER AND TRIBUTARIES, NEW MEXICO

The project for flood control, Puerco River and Tributaries, Gallup, New Mexico: Report of the Chief of Engineers, dated September 4, 1981, at a total cost of $4,190,000, with an estimated first Federal cost of $3,140,000 and an estimated first non-Federal cost of $1,050,000.

CAZENOVIA CREEK, NEW YORK

The project for flood control, Cazenovia Creek Watershed, New York: Report of the Chief of Engineers, dated September 8, 1977, House Document Numbered 96-126, at a total cost of $2,050,000, with an estimated first Federal cost of $1,540,000 and an estimated first non-Federal cost of $510,000. Such project shall include features necessary to enable the project to serve as a part of a streamside trail system if the Secretary determines such features are compatible with the project purposes. Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

MAMARONECK, SHELDRAKE, AND BYRAM RIVERS, NEW YORK AND CONNECTICUT

The project for flood control, Mamaroneck and Sheldrake River Basins, New York and Connecticut, and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers, dated April 4, 1979, at a total cost of $68,500,000, with an estimated first Federal cost of $51,400,000 and an estimated first non-Federal cost of $17,100,000. Such project shall include flood protection for the town of Mamaroneck as recommended in the report of the Division Engineer, North Atlantic Division, dated March 28, 1978.

SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA

The project for flood control, Sugar Creek Basin, North Carolina and South Carolina: Report of the Chief of Engineers dated February 1, 1985, at a total cost of $29,700,000, with an estimated first Federal cost of $19,500,000 and an estimated first non-Federal cost of $10,200,000.

SHEYENNE RIVER, NORTH DAKOTA

Dams.

The project for flood control, Sheyenne River, North Dakota: Report of the Chief of Engineers dated August 22, 1984, at a total cost of $56,300,000, with an estimated first Federal cost of $39,500,000 and an estimated first non-Federal cost of $16,800,000. Such project shall include a dam and reservoir of approximately 35,000 acre-feet of storage for the purpose of flood protection on the Maple River. Modification of the Baldhill Dam for dam safety considerations shall not preclude the implementation of those project features not dependent on such safety modifications.

PARK RIVER, GRAFTON, NORTH DAKOTA

The project for flood control, Park River, Grafton, North Dakota: Report of the Chief of Engineers, dated April 17, 1984, at a total cost of $19,100,000, with an estimated first Federal cost of $14,300,000 and an estimated first non-Federal cost of $4,800,000.

MUSKINGUM RIVER, KILLBUCK, OHIO

The project for flood control, Muskingum River, Killbuck, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at a total cost of $6,420,000, with an estimated first Federal cost of $4,820,000 and an estimated first non-Federal cost of $1,600,000. The Congress finds that the overall benefits of the project exceed the costs of the project.

MUSKINGUM RIVER, MANSFIELD, OHIO

The project for flood control, Muskingum River, Mansfield, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96–117, at a total cost of $4,260,000, with an estimated first Federal cost of $2,960,000 and an estimated first non-Federal cost of $1,300,000. Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

100 STAT. 4122

HOCKING RIVER, LOGAN, OHIO

Fish and fishing.
Wildlife.

The project for flood control, Hocking River at Logan, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at a total cost of $7,760,000, with an estimated first Federal cost of $5,870,000 and an estimated first non-Federal cost of $1,890,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

HOCKING RIVER, NELSONVILLE, OHIO

Fish and fishing.
Wildlife.

The project for flood control, Hocking River at Nelsonville, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at a total cost of $8,020,000, with an estimated first Federal cost of $6,090,000 and an estimated first non-Federal cost of $1,930,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

SCIOTO RIVER, OHIO

The project for flood control, Scioto River at North Chillicothe, Ohio: Reports of the Chief of Engineers, dated September 4, 1981 and February 1, 1985, at a total cost of $10,700,000, with an estimated first Federal cost of $8,080,000 and an estimated first non-Federal cost of $2,620,000.

LITTLE MIAMI RIVER, OHIO

The project for flood control, Miami River, Little Miami River, Interim Report Number 2, West Carrollton-Holes Creek, Ohio: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $8,910,000, with an estimated first Federal cost of $6,230,000 and an estimated first non-Federal cost of $2,680,000.

MIAMI RIVER, FAIRFIELD, OHIO

Fish and fishing.
Wildlife.

The project for flood control, Miami River, Fairfield, Ohio: Report of the Chief of Engineers, dated June 22, 1983, at a total cost of $14,400,000, with an estimated first Federal cost of $9,400,000 and an estimated first non-Federal cost of $5,000,000. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include additional measures for mitigation of losses of fish and wildlife habitat, including seeding and planting in disturbed areas, limiting removal of riparian vegetation to the minimum amount necessary for project objectives, performing work along the north streambank where construction is planned on only one side of the channel, limiting construction activities to the right streambank in the reach of Pleasant Run extending from mile 2.75 to mile 3.1' the use of gabions and riprap for bank protection in lieu of concrete and the inclusion of pool-riffle complexes at bridges. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after July 1, 1979, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

100 STAT. 4123

MINGO CREEK, OKLAHOMA

The project for flood control, Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers, dated November 16, 1981, at a total cost of $134,000,000, with an estimated first Federal cost of $94,000,000 and an estimated first non-Federal cost of $40,000,000. The project shall include measures determined appropriate by the Secretary, after consultation with the city of Tulsa, to minimize adverse effects associated with the use of flood water detention sites for the project.

FRY CREEKS, OKLAHOMA

Fish and fishing.
Wildlife.

The project for flood control, Fry Creeks, Oklahoma: Report of the Chief of Engineers, dated September 7, 1983, at a total cost of $13,200,000, with an estimated first Federal cost of $9,400,000 and an estimated first non-Federal cost of $3,800,000, except that the Secretary shall acquire a total of 20 acres of land for mitigation of fish and wildlife losses and such lands, to the extent feasible, shall be contiguous and shall be in a corridor not less than 50 feet wide.

HARRISBURG, PENNSYLVANIA

Fish and fishing.
Wildlife.

The project for flood control, Harrisburg, Pennsylvania: Report of the Chief of Engineers, dated May 16, 1979, at a total cost of $133,000,000, with an estimated first Federal cost of $99,800,000 and an estimated first non-Federal cost of $33,200,000, including such (1) modifications as the Secretary determines to be feasible and appropriate to construct a floodway along Paxton Creek between Wildwood Lake and Maclay Street as an alternative to the recommended plan, and (2) additional measures as the Secretary determines to be necessary and appropriate to reduce fish and wildlife habitat losses in the project area. The Secretary shall study the feasibility of providing a floodway along Paxton Creek between Wildwood Lake and Maclay Street as an alternative to the recommended plan and shall reexamine fish and wildlife habitat mitigation measures recommended in the report of the Chief of Engineers. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study and reexamination.

LOCK HAVEN, PENNSYLVANIA

The project for flood control, Lock Haven, Pennsylvania: Report of the Chief of Engineers, dated December 14, 1981, at a total cost of $82,200,000, with an estimated first Federal cost of $61,700,000 and an estimated first non-Federal cost of $20,500,000. The project shall be constructed to provide protection at least sufficient to prevent any future flood losses to the city of Lock Haven, Pennsylvania, from flooding equivalent to a level of flooding 50 percent greater than the level of flooding which occurred as a result of tropical storm Agnes in 1972. Notwithstanding section 104 of this Act, work carried out by non-Federal interests on such project after January 1, 1973, and before the date of the enactment of this Act shall be taken into account in analyzing the costs and benefits of the project and shall be credited against the non-Federal share of the cost of the project.

100 STAT. 4124

SCHUYLKILL RIVER BASIN, POTTSTOWN, PENNSYLVANIA

The project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pennsylvania: Report of the Chief of Engineers, dated March 7, 1974, House Document Numbered 93-321, at a total cost of $5,540,000, with an estimated first Federal cost of $4,180,000 and an estimated first non-Federal cost of $1,360,000. The Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 result in the benefits from flood control measures authorized by this paragraph exceeding their economic costs. 42 USC 1962-2.

SAW MILL RUN, PENNSYLVANIA

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers, dated January 30, 1978, House Document Numbered 96-25, at a total cost of $7,850,000, with an estimated first Federal cost of $5,890,000 and an estimated first non-Federal cost of $1,960,000.

WYOMING VALLEY, PENNSYLVANIA

The project for flood control, Wyoming Valley, Pennsylvania: Report of the Chief of Engineers, dated October 19, 1983, at a total cost of $241,000,000, with an estimated first Federal cost of $181,000,000 and an estimated first non-Federal cost of $60,000,000.

NONCONNAH CREEK AND JOHNS CREEK, TENNESSEE AND MISSISSIPPI

Fish and fishing. Wildlife.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated December 23, 1982, at a total cost of $28,000,000, with an estimated first Federal cost of $19,500,000 and an estimated first non-Federal cost of $8,500,000. The improvements for Johns Creek and tributaries shall be included as a separate part of the project and shall be constructed by the United States Department of Agriculture Soil Conservation Service, at a total cost of $34,700,000, with an estimated first Federal cost of $26,000,000 and an estimated first non-Federal cost of $8,700,000, in accordance with the recommendations of the State Conservationist as contained in the report, Nonconnah Creek and Tributaries, Tennessee and Mississippi, dated September 1981. The project shall include an evaluation of fish and wildlife losses which may result from construction of the project and such additional measures as the Secretary deems necessary and appropriate to mitigate such losses. The Secretary shall adopt and implement guidelines in connection with clearing and snagging as the Secretary determines necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

Fish and fishing. Wildlife.

The project for flood control, Horn Lake Creek and Tributaries, including Cow Pen Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated January 4, 1983, at a total cost of $3,890,000, with an estimated first Federal cost of $2,700,000 and an estimated first non-Federal cost of $1,190,000, including such additional measures as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. The Secretary shall (1) reexamine the adequacy and feasibility of the recommended measures for fish and wildlife habitat, and (2) reexamine upland dredged disposal alternatives. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination. The Secretary shall also adopt and implement such guidelines in connection with channel clearing and drift removal for the project as the Secretary, in consultation with the Fish and Wildlife Service, determines are necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

100 STAT. 4125

BOGGY CREEK, TEXAS

The project for flood control, Boggy Creek, Austin, Texas: Report of the Chief of Engineers, dated January 19, 1981, and the Supplemental Report of the Chief of Engineers, dated June 13, 1986, at a total cost of $24,000,000, with an estimated first Federal cost of $16,500,000 and an estimated first non-Federal cost of $7,500,000. In applying section 104 to such project, the Secretary shall consider work carried out by non-Federal interests after September 30, 1979, and before the date of the enactment of this Act that otherwise meets the requirements of such section.

BUFFALO BAYOU AND TRIBUTARIES, TEXAS

The project for flood control, Buffalo Bayou and Tributaries (Upper White Oak Bayou), Texas: Report of the Chief of Engineers, dated June 13, 1978, House Document Numbered 96–182, at a total cost of $92,100,000, with an estimated first Federal cost of $69,100,000 and an estimated first non-Federal cost of $23,000,000.

LAKE WICHITA, HOLLIDAY CREEK, TEXAS

The project for flood control, Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers, dated July 9, 1979, at a total cost of $39,000,000, with an estimated first Federal cost of $27,300,000 and an estimated first non-Federal cost of $11,700,000.

LOWER RIO GRANDE, TEXAS

The project for flood control, Lower Rio Grande Basin, Texas: Report of the Chief of Engineers, dated February 13, 1986, at a total cost of $196,000,000, with an estimated first Federal cost of $137,000,000 and an estimated first non-Federal cost of $59,000,000.

SIMS BAYOU, TEXAS

The project for flood control, Sims Bayou, Texas: Report of the Chief of Engineers, dated April 17, 1984, at a total cost of $126,000,000, with an estimated first Federal cost of $94,700,000 and an estimated first non-Federal cost of $31,300,000.

100 STAT. 4126

JAMES RIVER BASIN, VIRGINIA

The project for flood control, James River Basin, Richmond, Virginia: Report of the Chief of Engineers, dated November 16, 1981, at a total cost of $91,800,000, with an estimated first Federal cost of $68,900,000 and an estimated first non-Federal cost of $22,900,000. Such project shall include flood protection for the Richmond municipal wastewater treatment facility, as recommended in the report of the District Engineer, Norfolk District, dated September 1980.

ROANOKE RIVER UPPER BASIN, VIRGINIA

The project for flood control, Roanoke River Upper Basin, Virginia: Report of the Chief of Engineers dated August 5, 1985, at a total cost of $21,000,000, with an estimated first Federal cost of $12,600,000 and an estimated first non-Federal cost of $8,400,000.

YAKIMA-UNION GAP, WASHINGTON

Fish and fishing.
Wildlife.

The project for flood control, Yakima-Union Gap, Washington: Report of the Chief of Engineers, dated May 7, 1980, at a total cost of $8,760,000, with an estimated first Federal cost of $6,570,000 and an estimated first non-Federal cost of $2,190,000, including such additional measures as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall review the probable effects of the project on fish and wildlife resources and the feasibility of including recreation as a project purpose. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such review.

CHEHALIS RIVER, WASHINGTON

The project for flood control, Chehalis River at South Aberdeen and Cosmopolis, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-27, at a total cost of $22,400,000, with an estimated first Federal cost of $16,800,000 and an estimated first non-Federal cost of $5,600,000. Before beginning the actual construction of the project, the Secretary shall perform additional studies relating to foundation materials in the project area and with regard to dredged spoil disposal sites and make such modifications as the Secretary determines appropriate.

CENTRALIA, WASHINGTON

The project for flood control, Centralia-Chehalis Flood Damage Reduction Study, Chehalis River and Tributaries, Washington: Report of the Chief of Engineers, dated June 20, 1984, at a total cost of $19,900,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $4,900,000.

ISLAND CREEK BASIN, WEST VIRGINIA

100 STAT. 4127

The project for flood control, Island Creek Basin, in and round Logan, West Virginia: Report of the Chief of Engineers dated April 25, 1986, at a total cost of $86,000,000, with an estimated first Federal cost of $62,200,000 and an estimated first non-Federal cost of $23,800,000.

PORTAGE, WISCONSIN

The project for flood control, Wisconsin River at Portage, Wisconsin: Report of the Chief of Engineers, dated May 20, 1985, at a total cost of $7,590,000, with an estimated first Federal cost of $5,660,000 and an estimated first non-Federal cost of $1,930,000.

AGANA RIVER, GUAM

The project for flood control, Agana River, Guam: Report of the Chief of Engineers, dated March 14, 1977, House Document Numbered 96-16, at a total cost of $4,880,000, with an estimated first Federal cost of $3,860,000 and an estimated first non-Federal cost of $1,020,000.

RIO PUERTO NUEVO, PUERTO RICO

The project for flood control, Rio Puerto Nuevo, Puerto Rico: Report of the Chief of Engineers, dated April 25, 1986, at a total cost of $234,000,000, with an estimated first Federal cost of $151,000,000 and an estimated first non-Federal cost of $83,000,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such other modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

GUADALUPE RIVER, SAN JOSE, CALIFORNIA

Local flood control protection measures along the Guadalupe River in the vicinity of San Jose, California: Report of the Board of Engineers for Rivers and Harbors, dated June 29, 1986, at a total cost of $32,600,000, with an estimated first Federal cost of $22,800,000 and an estimated first non-Federal cost of $9,800,000.

MEREDOSIA, ILLINOIS

Flood control works for the protection of Meredosia, Illinois, at a total cost of $80,000, with a Federal cost of $60,000 and a non-Federal cost of $20,000. Such project shall be carried out under section 205 of the Flood Control Act of 1948. Such project shall include, but not be limited to, a levee which is approximately one-fifth of a mile long. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Illinois River, authorized by resolution of the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to this paragraph in the interest of preventing flood damages along the Illinois River in the vicinity of Meredosia, Illinois.

33 USC 701s.

MUSCATINE ISLAND, IOWA

Fish and fishing.
Wildlife.

The project for flood control, Muscatine Island Levee District and Muscatine-Louisa County Drainage District No. 13, Iowa: Report of the Chief of Engineers, dated July 22, 1977, at a total cost of $14,400,000, with an estimated first Federal cost of $10,500,000 and an estimated first non-Federal cost of $3,900,000, including such modifications as the Secretary determines to be necessary and appropriate to minimize adverse effects of the project on Spring Lake and on fish and wildlife habitat. The Secretary shall reexamine the drainage system recommended in the report of the Chief of Engineers and the feasibility of obtaining material for the levee from upland rather than aquatic sources in order to minimize adverse effects on fish and wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination.

PEARL RIVER BASIN, ST. TAMMANY PARISH, LOUISIANA

Structural and nonstructural measures to prevent flood damage to communities in the Pearl River Basin, St. Tammany Parish, Louisiana, at a total cost of $33,300,000, with an estimated first Federal cost of $25,000,000 and an estimated first non-Federal cost of $8,300,000. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Pearl River Basin, Mississippi and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this paragraph.

WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA

Structural and nonstructural measures to prevent flood damage to those areas identified in the February 1984 draft environmental impact statement for the West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana, at a total cost of $61,500,000, with an estimated first Federal cost of $40,000,000 and an estimated firs non-Federal cost of $21,500,000. Funds provided by non-Federa interests for interim hurricane protection may be considered beneficial expenditures and may be credited as part of the non-Federa contribution of the project pursuant to section 104 of this Act.

JAMES RIVER, SOUTH DAKOTA

A project consisting of channel restoration and improvements on the James River in South Dakota, which may include consideration of offstream storage, small impoundments on tributaries, and other features identified by the Secretary to alleviate flood damage and to regulate flows on such river, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000. The Secretary is authorized to participate with appropriate non-Federal sponsors in the project to demonstrate, on an expedited basis, the feasibility of non-Federa cost sharing for rural flood protection under the provisions of section 916 and title I of this Act and section 134 of the Water Resources Development Act of 1976. The Secretary shall report to Congress no later than September 30, 1989, on the extent to which additional features may be required to alleviate flood damage and regulate flows on such river.

100 STAT. 4129

90 Stat. 2928.

(c) PRE-CONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for the following projects:

GOLD GULCH, SANTA CRUZ COUNTY, CALIFORNIA

Flood damage prevention in the community of Gold Gulch, near Felton, Santa Cruz County, California, at a total cost of $800,000.

CALLEGUAS CREEK, CALIFORNIA

Flood control works along the lower portion of Calleguas Creek, Conejo Creek to the Pacific Ocean, California, at a total cost of $2,000,000.

COYOTE CREEK, CALIFORNIA

A project for local flood control protection measures along the lower portion of Coyote Creek adjacent to and in the vicinity of Alviso, California, at a total cost of $750,000.

LOUISVILLE, KENTUCKY

Measures to correct flooding problems in the south end of Louisville, Kentucky, within an area bounded by New Cut Road west to the city limits and Palatka Road south to the city limits, at a total cost of $300,000. The Secretary is authorized to provide technical assistance to the city of Louisville, Kentucky, to assist such city in the correction of flooding caused by drainage problems in such city.

LOUISIANA

A project to provide a level of protection sufficient to prevent recurring flood damages along the following rivers, at a total cost of $10,000,000:

(1) Amite River, Louisiana;
(2) Comite River, Louisiana;
(3) Tangipahoa River, Louisiana;
(4) Tchefuncte River, Louisiana;
(5) Tickfaw River, Louisiana;
(6) Bogue Chitto River, Louisiana; and
(7) Natalbany River, Louisiana;

BAYOU RIGOLETTE, LOUISIANA

A project to construct six additional floodgates at Bayou Rigolette, Louisiana, adjacent to the existing drainage structure, at a total cost of $2,300,000.

BROCKTON, MASSACHUSETTS

Flood control works for the protection of Brockton, Massachusetts, at a total cost of $1,500,000. The plans for such project shall include, but not be limited to, improvements to ponds in the D. W. Field Park area and the existing Brockton-Avon Reservoir to provide additional storage, improvements to the drainage system under E. B. Keith Field, new culverts, improvements to miscellaneous bridges and utilities, and such other downstream improvements as the Secretary deems necessary.

LAS VEGAS VALLEY AND TRIBUTARIES AREA, NEVADA

A comprehensive project for flood control in the Las Vegas Valley and tributaries area, Nevada, at a total cost of $2,000,000.

MANALAPAN TOWNSHIP, NEW JERSEY

Local flood protection measures, including such channel widening and deepening and environmental measures as the Secretary and the Governor of the State of New Jersey may agree, to prevent flood damage to the residents of the Pine Brook section of Manalapan Township, New Jersey, substantially in accordance with the report of the Division Engineer, North Atlantic Division, entitled "Expanded Reconnaissance Report for Flood Control on Pine Brook, New Jersey, Manalapan, New Jersey", dated September 8, 1977, at a total cost of $400,000.

PASSAIC RIVER BASIN, NEW JERSEY

A project for flood damage protection and allied purposes in the Passaic River Basin, New Jersey and New York, at a total cost of $3,750,000, consisting of the following:

(1) Upper Rockaway River Basin, New Jersey, at a total cost of $2,750,000.

(2) Nakoma Brook Sloatsburg, New York, at a total cost of $500,000.

(3) The project for flood protection in the Third River, Passaic Basin, New Jersey, at a total cost of $500,000.

MALHAUER AND HARNEY LAKES, OREGON

Structural and nonstructural measures to prevent flood damage resulting from rising lake levels at Malhauer and Harney Lakes, Oregon, at a total cost of $3,370,000.

MILTON, PENNSYLVANIA

A flood control project at Milton, Pennsylvania, at a total cost of $2,500,000.

(d) Section 205 Projects.—The Secretary is authorized and directed to carry out the following projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

SAN FRANCISCO RIVER AT CLIFTON, ARIZONA

A project for flood control on the San Francisco River at Clifton, Arizona, for the purpose of protecting residential and commercial properties on the east side of the river downstream of the State

Highway 666 Bridge, at a total cost of $8,000,000, with an estimated first Federal cost of $4,500,000 and an estimated first non-Federal cost of $3,500,000. Such work shall be considered to complete all studies and proposals of the Secretary for such area.

MISSION ZANJA CREEK, REDLANDS, CALIFORNIA

Subject to section 903(a) of this Act, a project for flood control works along Mission Zanja Creek within the city of Redlands, California, in accordance with the plan developed by the District Engineer based on studies pursuant to section 205 of the Flood Control Act of 1948, at a total cost of $10,400,000, with an estimated first Federal cost of $4,500,000 and an estimated first non-Federal cost of $5,900,000.

33 USC 701s.

SALT AND EEL RIVERS, CALIFORNIA

Subject to section 903(a) of this Act, such measures, including silt removal and channel modification, in the vicinity of the confluence of the Salt and Eel Rivers, California, as the Secretary determines necessary to prevent recurring floods along the Eel River and its tributaries, at a total cost of $800,000, with an estimated first Federal cost of $600,000 and an estimated first non-Federal cost of $200,000.

MONROE AND WEST MONROE, LOUISIANA, AND OUACHITA PARISH, LOUISIANA

Subject to section 903(a) of this Act, such structural and nonstructural measures as he deems feasible to prevent flood damage to the cities of Monroe and West Monroe, Louisiana, and Ouachita Parish, Louisiana. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Monroe-West Monroe Interim Study of the Ouachita Basin Study, Ouachita River Basin, Arkansas and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this subsection.

NOYES, MINNESOTA

Subject to section 903(a) of this Act, the purchase of such land along Highway 75 in Minnesota as may be required for the construction of the International Levee segment of the Emerson, Manitoba flood control project and the upgrading of existing flood control levees in the vicinity of Noyes, Minnesota, at a total cost of $250,000. The Secretary is authorized to accept funds from a project cosponsor in connection with construction of such project and to include as part of the Federal share of project costs those costs which the Secretary determines are attributable to protection of Federal property.

(e) ADDITIONAL AUTHORIZED PROJECTS.—

(1) SALYERSVILLE, KENTUCKY.—Subject to section 903(a) of this Act, the Secretary is authorized and directed to design and construct such flood control measures at or in the vicinity of Salyersville, Kentucky, on Licking River as the Secretary determines necessary and appropriate to afford the city of Salyersville, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in December 1978, at a total cost of $7,000,000, with an estimated first Federal cost of $5,250,000 and an estimated non-Federal cost of $1,750,000. With respect to such project, Congress finds that the benefits determined in accordance with

section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

42 USC 1962-2.

(2) **Poplar brook, new jersey.**—Subject to section 903(a) of this Act, the Secretary is authorized to construct a project for flood control for Poplar Brook, New Jersey, including reconstruction of the brook through the Borough of Deal, New Jersey, to accommodate the runoff from a storm having an average frequency of occurrence of once every 15 years, replacement of the culvert through the Conrail railroad embankment with a new culvert designed to pass a maximum flow equivalent to the peak flow from a storm having an average frequency of occurrence of once every 15 years, use of the area upstream of the embankment as an on-stream detention basin, and gabion or other lining as determined appropriate by the Secretary, at a total cost of $2,300,000, with an estimated first Federal cost of $1,725,000 and an estimated first non-Federal cost of $575,000.

(3) **Pearl river basin, including shoccoe, mississippi.**—The Secretary is authorized to construct a project for the purpose of providing flood control for the Pearl River Basin in Mississippi, including, but not limited to, Carthage, Jackson, Monticello, and Columbia, Mississippi, consisting of—

(A) the project for flood control, Pearl River Basin, Mississippi: Report of the Chief of Engineers, dated March 17, 1986, at a total cost of $80,100,000, with an estimated first Federal cost of $56,070,000 and an estimated first non-Federal cost of $24,030,000; and

(B) for the purpose of providing flood control for the upstream areas of the Pearl River Basin in Mississippi—

(i) a combination roadway crossing of the Pearl River and floodwater detention and storage facility in east central Leake County, Mississippi;

(ii) a levee system in the south part of Carthage, Mississippi, which will upgrade, extend, and improve the protective levee system on the south side of Highway 16 in Leake County and the city of Carthage;

(iii) appropriate drainage structure and bridge modifications to expand and improve the stormwater conduits under Mississippi Highway 35, south of Carthage, Mississippi, for the purposes of reducing backwater influence for areas upstream of such highway;

(iv) upstream reservoirs on the Pearl River;

(v) such other structures as may be necessary to alleviate unforeseen flooding in the Leake County area as a result of the construction of the Shoccoe Dry Dam; and

(vi) channel improvements on the upstream Pearl River.

For purposes of analyzing the costs and benefits of those portions of the project described in subparagraph (B), the Secretary shall take into account the costs and benefits of that portion of the project described in subparagraph (A).

(4) **Great salt lake, utah.**—Subject to section 903(a) of this Act, the Secretary is authorized to construct the Newfoundland and Bonneville Dikes located along the west side of the Great Salt Lake, Utah, at a total cost of $7,500,000, with an estimated first Federal cost of $5,250,000 and an estimated first non-Federal cost of $1,750,000. The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

(5) **Tarrant county, texas.**—The Secretary is authorized and directed to develop detailed plans and specifications and to construct measures in Tarrant County, Texas, to eliminate flood damage in the historical stockyards along Tony's Creek and Marine Creek, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-

Federal cost of $5,000,000. The non-Federal share of the cost of the project authorized by this section shall be 25 percent.

33 USC 701b-12.

SEC. 402. COMPLIANCE WITH FLOOD PLAIN MANAGEMENT AND INSURANCE PROGRAMS.

Before construction of any project for local flood protection, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

SEC. 403. GROUNDWATER INDUCED DAMAGES.

Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 33 U.S.C. 701a-1), is amended by inserting after "drainage improvements" the following: "and flood prevention improvements for protection from groundwater-induced damages".

TITLE V—SHORELINE PROTECTION

Reports.
Studies.

SEC. 501. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for the benefit of shoreline protection are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection. Construction of the projects authorized in this title shall be subject to determinations of the Secretary, after consultation with the Secretary of the Interior, that the construction will be in compliance with the Coastal Barrier Resources Act (Public Law 97-348).

16 USC 3501 note.

PANAMA CITY BEACHES, FLORIDA

The project for shoreline protection, Panama City Beaches, Florida: Report of the Chief of Engineers, dated July 8, 1977, House Document Numbered 96-65, at a total cost of $48,500,000, with an estimated first Federal cost of $22,800,000 and an estimated first non-Federal cost of $25,700,000.

ST. JOHNS COUNTY, FLORIDA

Wildlife.

The project for shoreline protection, St. Johns County, Florida: Report of the Chief of Engineers, dated February 26, 1980, at a total cost of $18,200,000, with an estimated first Federal cost of $11,100,000 and an estimated first non-Federal cost of $7,100,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

CHARLOTTE COUNTY, FLORIDA

The project for shoreline protection, Charlotte County, Florida: Report of the Chief of Engineers, dated April 2, 1982, at a total cost of $3,950,000, with an estimated first Federal cost of $2,220,000 and an estimated first non-Federal cost of $1,730,000. To the maximum extent feasible, the Secretary shall construct such project so as to minimize the harm to marine borrow areas and reefs.

INDIAN RIVER COUNTY, FLORIDA

Wildlife.

The project for shoreline protection, Indian River County, Florida: Report of the Chief of Engineers, dated December 21, 1981, House Document Numbered 98-154, at a total cost of $11,100,000, with an estimated first Federal cost of $6,800,000 and an estimated first non-Federal cost of $4,300,000. To the maximum extent feasible, the

Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

DADE COUNTY, FLORIDA

The project for shoreline protection, Dade County, north of Haulover Beach Park, Florida: Report of the Chief of Engineers, dated December 27, 1983, at a total cost of $21,600,000, with an estimated first Federal cost of $12,000,000 and an estimated first non-Federal cost of $9,600,000. To the maximum extent feasible, the Secretary shall construct the project so as to minimize adverse effects on coral reefs.

MONROE COUNTY, FLORIDA

The project for shoreline protection, Monroe County, Florida: Report of the Chief of Engineers, dated April 22, 1984, at a total cost of $7,420,000, with an estimated first Federal cost of $4,150,000 and an estimated first non-Federal cost of $3,270,000, including such modifications as the Secretary determines to be necessary and appropriate to minimize the adverse effects of construction, operation, and maintenance of the project (other than the portion of the project consisting of Smathers Beach) on the seagrass community in the project area. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project (other than the portion of the project consisting of Smathers Beach) may have on the seagrass community in the project area. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

SARASOTA COUNTY, FLORIDA

The project for shoreline protection, Sarasota County Florida: Report of the Chief of Engineers, dated February 28, 1986, at a total cost of $30,100,000, with an estimated first Federal cost of $17,400,000 and an estimated first non-Federal cost of $12,700,000. 100 STAT. 4135

CASINO BEACH, CHICAGO, ILLINOIS

The project for shoreline protection, Interim II, Casino Beach, Chicago, Illinois: Report of the Chief of Engineers, dated September 26, 1984, at a total cost of $5,480,000, with an estimated first Federal cost of $2,880,000 and an estimated first non-Federal cost of $2,600,000.

INDIANA SHORELINE, INDIANA

The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Chief of Engineers, dated November 18, 1983, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000.

ATLANTIC COAST OF MARYLAND (OCEAN CITY)

Virginia.

The project for shoreline protection, Atlantic Coast of Maryland and Assateague Island, Virginia: Report of the Chief of Engineers, dated September 29, 1981, at a total cost of $58,200,000, with an estimated first Federal cost of $26,700,000 and an estimated first non-Federal cost of $31,500,000.

ROCKAWAY INLET TO NORTON POINT, NEW YORK

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point: Report of the Chief of

Engineers, dated August 18, 1976, House Document Numbered 96-23, including beach fill up to 250 feet beyond the historical shoreline as described in the report of the District Engineer, New York District, dated August 1973, at a total cost of $22,500,000, with an estimated first Federal cost of $11,900,000 and an estimated first non-Federal cost of $10,600,000. The non-Federal share of the cost of construction and nourishment of the additional beach fill shall be 50 percent.

HEREFORD INLET TO CAPE MAY CANAL, DELAWARE BAY, NEW JERSEY

The projects for beach erosion control, navigation, and storm protection, Hereford Inlet to Cape May Canal, Delaware Bay, New Jersey: Report of the Chief of Engineers, dated September 30, 1975, House Document Numbered 94-641, at a total cost of $177,000,000, with an estimated first Federal cost of $104,000,000 and an estimated first non-Federal cost of $73,000,000. The beach erosion, navigation, and storm protection features of the project may be constructed separately or in combination with any other features of the project.

WRIGHTSVILLE BEACH, NORTH CAROLINA

The project for shore and hurricane wave protection, Wrightsville Beach, North Carolina: Report of the Chief of Engineers, dated December 19, 1983, at a total cost of $9,120,000, with a Federal cost of $5,470,000 and a non-Federal cost of $3,650,000, including periodic beach nourishment of Figure Eight Island.

MAUMEE BAY, LAKE ERIE, OHIO

The project for shoreline protection for the southeast shore of Maumee Bay State Park, Ohio: Report of the Chief of Engineers, dated July 9, 1984, at a total cost of $15,900,000, with an estimated first Federal cost of $7,950,000 and an estimated first non-Federal cost of $7,950,000.

100 STAT. 4136

PRESQUE ISLE PENINSULA, ERIE, PENNSYLVANIA

The project for shoreline protection, Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers, dated October 2, 1981, at a total cost of $34,800,000, with an estimated first Federal cost of $18,900,000 and an estimated first non-Federal cost of $15,900,000.

FOLLY BEACH, SOUTH CAROLINA

The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at a total cost of $7,040,000, with an estimated first Federal cost of $3,870,000 and an estimated first non-Federal cost of $3,170,000.

WILLOUGHBY SPIT, VIRGINIA

The project for shoreline protection, Willoughby Spit and Vicinity, Norfolk, Virginia: Report of the Chief of Engineers, dated April 17, 1984, at a total cost of $5,690,000, with an estimated first Federal cost of $4,250,000 and an estimated first non-Federal cost of $1,440,000.

VIRGINIA BEACH, VIRGINIA

The project for beach erosion control and hurricane protection, Virginia Beach, Virginia: Report of the Chief of Engineers, dated May 22, 1985, at a total cost of $42,400,000, with an estimated first Federal cost of $27,600,000 and an estimated first non-Federal cost of $14,800,000.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

PINELLAS COUNTY, FLORIDA

The project for beach erosion control for Pinellas County, Florida: Report of the Board of Engineers for Rivers and Harbors, dated April 23, 1985, at a total cost of $52,600,000, with an estimated first Federal cost of $32,700,000 and an estimated first non-Federal cost of $19,900,000.

ILLINOIS BEACH STATE PARK, ILLINOIS

The project for shoreline protection, Illinois Beach State Park, Illinois described as alternative 3A in Interim Report 1, Illinois-Wisconsin Stateline to Waukegan of the District Engineer, Chicago District, dated June 1982, at a total cost of $13,400,000, with an estimated first Federal cost of $9,390,000 and an estimated first non-Federal cost of $4,010,000.

100 STAT. 4137

COCONUT POINT, TUTUILA ISLAND, AMERICAN SAMOA

The project for shore protection at Coconut Point, Tutuila Island, American Samoa, including a 3,600-foot long rock revetment to protect communal lands and public facilities, at a total cost of $2,810,000, with an estimated first Federal cost of $2,030,000 and an estimated first non-Federal cost of $780,000.

(c) PRECONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for projects for shoreline erosion control at the following communities in New Jersey: Fort Elsinboro, Sea Breeze, Gandys Beach, Reeds Beach, Pierces Point, and Fortescue, at a total cost of $1,000,000.

(d) SECTION 103 PROJECTS.—The Secretary is authorized to carry out the following project under section 103 of the River and Harbor Act of 1962.

76 Stat. 1178.

ORCHARD BEACH, NEW YORK

Subject to section 903(a) of this Act, the project for beach erosion control, Orchard Beach, New York: Draft Report of the District Engineer, New York District, dated July 1985, at a total cost of $2,480,000, with an estimated first Federal cost of $1,000,000 and an estimated first non-Federal cost of $1,480,000.

(e) TANGIER ISLAND, VIRGINIA.—Subject to section 903(a) of this Act, the Secretary is authorized and directed to design and construct an erosion control structure approximately 8,200 feet in length on the western shore of Tangier Island, Virginia, adequate to protect such island from further erosion, at a total cost of $3,200,000, with an estimated first Federal cost of $2,080,000 and an estimated first non-Federal cost of $1,120,000. Such project shall be carried out on an emergency basis, in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in public facilities. Cost sharing applicable to hurricane and storm damage reduction shall apply to the project under this subsection.

SEC. 502. WESTHAMPTON BEACH, NEW YORK.

88 Stat. 21.

The Secretary shall apply the cost sharing provisions of section 31(1) of the Water Resources Development Act of 1974 (Public Law 93-251) to periodic nourishment of the continuing construction project at Westhampton Beach, New York, for a period of 20 years after the date of enactment of this Act.

TITLE VI—WATER RESOURCES CONSERVATION AND DEVELOPMENT

Reports.
Studies.

SEC. 601. AUTHORIZATION OF PROJECTS.

(a) AUTHORIZATION OF CONSTRUCTION.—The following works of improvement for water resources development and conservation and for other purposes are adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection, except as otherwise provided in this subsection:

100 STAT. 4138

TENNESSEE-TOMBIGBEE WATERWAY, ALABAMA AND MISSISSIPPI

Wildlife.

Tennessee-Tombigbee Waterway Wildlife Mitigation, Alabama and Mississippi: Report of the Chief of Engineers, dated August 31, 1985, at a total cost of $60,200,000. The Secretary is authorized to acquire from willing sellers in a timely manner at fair market value 88,000 acres of land for mitigation of wildlife losses resulting from construction and operation of the project for the Tennessee-Tombigbee Waterway, Alabama and Mississippi. Such lands shall be in addition to, and not in lieu of, lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Of the lands acquired under this section, not less than 20,000 acres shall be acquired in the area of the Mobile-Tensaw River delta, Alabama, and not less than 25,000 acres shall be acquired in the areas of the Pascagoula River, the Pearl River, and the Mississippi River delta, Mississippi. Other lands acquired under this section may be acquired anywhere in the States of Alabama and Mississippi. The Secretary shall select lands to be acquired under this section in consultation with appropriate State and Federal officials. Emphasis shall be placed on acquisition of lands which are predominantly flood plain forest, except that the 34,000 acres of bottomland hardwood lost as a result of the construction of the navigation project shall be replaced in-kind. The States of Alabama and Mississippi shall provide for the management for wildlife purposes of lands acquired under this section and lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Subject to such amounts as are provided in appropriation Acts, the Secretary shall reimburse such States for such management and initial development costs as specified in a plan for management of mitigation lands to be developed by the Secretary, the United States Fish and Wildlife Service, and the States of Alabama and Mississippi.

BETHEL BANK STABILIZATION, ALASKA

The project for bank stabilization, Bethel, Alaska: Report of the Chief of the Engineers, dated July 30, 1983, at a total cost of $19,400,000, with an estimated first Federal cost of $14,600,000 and an estimated first non-Federal cost of $4,800,000, including such modifications as may be necessary to accommodate related work undertaken and carried out by non-Federal interests.

SCAMMON BAY, ALASKA

Scammon Bay, Alaska (hydropower): Report of the Chief of Engineers, dated August 9, 1983, at a total cost of $1,700,000, with a first Federal cost of $1,700,000.

SOUTH CENTRAL RAILBELT AREA, ALASKA

South Central Railbelt Area, Alaska, hydroelectric power, Valdez and Copper River Basin: Report of the Chief of Engineers, dated October 29, 1982, at a total cost of $45,000,000, with a first Federal cost of $45,000,000.

HELENA HARBOR, PHILLIPS COUNTY, ARKANSAS

Fish and fishing.
Wildlife.

The project for navigation, Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers, dated October 17, 1980, including such modifications as the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat, at a total cost of $59,000,000, with an estimated first Federal cost of $35,800,000 and an estimated first non-Federal cost of $23,200,000. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the adequacy of the recommended measures for mitigation of losses of wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation.

WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS

Fish and fishing.

(1) The project for navigation, White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers, dated December 23, 1981, at a total cost of $29,300,000, with an estimated first Federal cost of $20,500,000 and an estimated first non-Federal cost of $8,800,000, except that the project shall include 1,865 acres of habitat mitigation lands. The project shall include modifications (A) for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on the Fat Pocketbook Pearly Mussel, and (B) for weirs in tributary areas which the Secretary determines to be necessary and appropriate to benefit aquatic habitat. The Secretary shall deposit no spoil from such project onto lands of the White River National Wildlife Refuge without the approval of the Secretary of the Interior and without mitigating fully the adverse impacts of such spoil. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the effect of the project on the Fat Pocketbook Pearly Mussel. The Secretary, in consultation with the Fish and Wildlife Service, shall also evaluate the feasibility of including weirs in tributary areas to benefit aquatic habitat and is authorized to include them as he determines appropriate. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluations. Nothing in this paragraph or such report shall be construed to affect the requirements of Public Law 89-669, as amended.

80 Stat. 1073.

SACRAMENTO RIVER BANK PROTECTION, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sacramento River Bank Protection Project, California: Reports of the Chief of Engineers, dated September 1, 1981, at a total cost of $1,410,000, with an estimated first Federal cost of $890,000 and an estimated first non-Federal cost of $520,000.

JACKSONVILLE HARBOR (MILL COVE), FLORIDA

The project for navigation, Jacksonville Harbor, Mill Cove, Florida: Report of the Chief of Engineers, dated February 12, 1982, at a

100 STAT. 4140

total cost of $4,000,000, with a first Federal cost of $4,000,000, including such modifications as the Secretary considers necessary and appropriate to assure that adequate dredged material disposal areas are available for construction, operation, and maintenance of the project. The Secretary, in consultation with the State of Florida, shall study the adequacy of available dredged material disposal areas for construction, operation, and maintenance of the project and the potential of such disposal areas for recreational development. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study.

PORT CANAVERAL HARBOR, FLORIDA

The project for mitigation of fish and wildlife losses at the Port Canaveral West Turning Basin Project, Florida: Report of the Chief of Engineers, dated October 1985 at a total cost of $276,000, with estimated first Federal cost of $126,000 and an estimated first non-Federal cost of $150,000.

RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA

Fish and fishing.
Wildlife.

The project for mitigation of fish and wildlife losses at Richard B. Russell Dam and Lake Project, Savannah River, Georgia and South Carolina: Report of the Chief of Engineers, dated May 11, 1982, House Document Numbered 97–244, at a total cost of $20,200,000, with an estimated first Federal cost of $20,150,000 and an estimated first non-Federal cost of $50,000, including utilization for purposes of fish and wildlife habitat mitigation of such Federal lands as may be identified by the Secretary. The Secretary and the State of South Carolina, in consultation with the United States Fish and Wildlife Service, shall identify those Federal lands at Clarks Hill Lake to be utilized for purposes of fish and wildlife habitat mitigation.

METROPOLITAN ATLANTA AREA, GEORGIA

Dams.
Fish and fishing.

The project for construction of a reregulating dam for water supply purposes on the Chattahoochee River downstream of Buford Dam, Georgia: Report of the Chief of Engineers, dated June 1982, at a total cost of $28,000,000, with an estimated first Federal cost of $7,000,000 and an estimated first non-Federal cost of $21,000,000, including such additional measures as may be recommended or warranted by the General Design Memorandum and supplemental environmental impact statement approved under this paragraph. Before construction of the reregulation dam is initiated, the results of the Corps of Engineers' General Design Memorandum and supplemental environmental impact statement resulting from the continued planning and engineering studies must show that—

(1) the quality and quantity of water delivery to the State trout hatchery is maintained or improved and the hatchery can continue to operate satisfactorily;

62 Stat. 1155.

(2) all water quality standards under the Federal Water Pollution Control Act and corresponding State law for the Chattahoochee River will be met, or, if such standards are not currently being met, neither the degree nor the frequency of violation will be increased;

100 STAT. 4141

(3) the design, construction, and operation of the reregulation project will facilitate and be compatible with downstream recreation, fisheries, and fisheries management and will include such measures as may be necessary to mitigate adverse effects of the project on turbidity, water temperature, and other water quality parameters, and water flow regimes;

(4) the project analysis evaluated the impact of the reregulation dam on—

(A) instream flows below the proposed dam for the current situation and proposed dam operation plans, under various hydrologic conditions and several demand rates;

(B) recreational use within the Chattahoochee River National Recreation Area, within the river corridor, and on the river itself; and

(C) economic issues.

Before construction of the reregulation dam is initiated, a general design memorandum and a supplemental environmental impact statement based on the continued planning and engineering studies shall be prepared and jointly approved by the Secretary and the Governor of Georgia. The authorization, design, construction, and operation of the reregulation dam by the Secretary or any other Federal or State body or agency must be in compliance with all applicable existing laws and with this paragraph without waiver of any conditions, requirements, or provisions contained therein. The reregulation dam may be constructed by the State of Georgia or its subdivisions at local cost.

DAVENPORT, IOWA (NAHANT MARSH)

The Davenport, Iowa Local Protection Project—Fish and Wildlife Mitigation Plan: Report of the Chief of Engineers, dated July 9, 1979, House Document Numbered 97-218, at a total cost of $517,000, with an estimated first Federal cost of $388,000 and an estimated first non-Federal cost of $129,000.

OBION CREEK, KENTUCKY

Fish and fishing.
Wildlife.

The project for mitigation of fish and wildlife losses, West Kentucky Tributaries Project, Obion Creek, Kentucky: Report of the Chief of Engineers, dated September 16, 1980, at a total cost of $4,900,000, with an estimated first Federal cost of $4,000,000 and an estimated first non-Federal cost of $900,000, except that (1) the Secretary, in consultation with the United States Fish and Wildlife Service, shall acquire and preserve not less than 6,000 nor more than 9,000 acres of woodland for mitigation of project-induced woodland and wetland habitat losses, and (2) the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 908 of this Act. Nothing in this paragraph affects the authority of the Secretary to carry out a project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), in lieu of the West Kentucky Tributaries Project, Obion Creek. If such a project is carried out under section 205, the Secretary need only implement measures to mitigate fish and wildlife damages which are attributable to the project undertaken under section 205.

100 STAT. 4142

LAKE PONTCHARTRAIN NORTH SHORE, LOUISIANA

The project for navigation, Lake Pontchartrain North Shore, Louisiana: Report of the Chief of Engineers, dated February 14, 1979, at a total cost of $1,310,000, with an estimated first Federal cost of $655,000 and an estimated first non-Federal cost of $655,000.

ATCHAFALAYA BASIN, LOUISIANA

Fish and fishing.
Wildlife.

The project for flood control, Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers, dated February 28, 1983, at a total cost of $250,000,000, with an estimated first Federal cost of $223,000.000 and an estimated first non-Federal cost of $27,000,000: *Provided*, That fish and wildlife enhancement benefits provided by this project shall be considered to be national for the purposes of section 906 of this Act.

RED RIVER WATERWAY, LOUISIANA

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana: Report of the Chief of Engineers, dated December 28, 1984, at a total cost of $9,420,000, with an estimated first Federal cost of $8,860,000 and an estimated first non-Federal cost of $560,000, except that the land the Secretary may purchase for such project may include all or such portion of any land referred to in the report or all or such portion of any land adjacent to the Loggy Bayou Wildlife Management Area in Bossier Parish, Louisiana, which the Secretary determines is appropriate.

YAZOO BACKWATER AREA, MISSISSIPPI

Fish and fishing.
Wildlife.

The project for mitigation of fish and wildlife losses at the Yazoo Backwater Project, Mississippi: Report of the Chief of Engineers, dated July 12, 1984, at a total cost of $17,700,000 with a first Federal cost of $17,700,000. The project shall include acquisition of 40,000 acres for mitigation of project-induced fish and wildlife losses as recommended in the report of the District Engineer, Vicksburg District, dated July 1982. The Secretary may acquire a portion of such 40,000 acres from willing sellers in the State of Arkansas, after consultation with the United States Fish and Wildlife Service and the Governors of the States of Mississippi and Arkansas.

Arkansas.

GREENVILLE HARBOR, MISSISSIPPI

The project for navigation, Greenville Harbor, Mississippi: Reports of the Chief of Engineers, dated November 15, 1977, and February 22, 1982, at a total cost of $43,700,000, with an estimated first Federal cost of $28,000,000 and an estimated first non-Federal cost of $15,700,000.

VICKSBURG HARBOR, MISSISSIPPI

The project for navigation, Vicksburg Harbor, Mississippi: Report of the Chief of Engineers, dated August 13, 1979, at a total cost of $79,200,000, with an estimated first Federal cost of $55,900,000 and an estimated first non-Federal cost of $23,300,000.

100 STAT. 4143

HARRY S TRUMAN DAM AND RESERVOIR, MISSOURI

Fish and fishing.
Wildlife.

The project for modification of the Harry S Truman Dam and Reservoir Project, Missouri: Report of the Chief of Engineers, dated December 21, 1981, at a total cost of $2,100,000, with a first Federal cost of $2,100,000. The Secretary, in consultation with the State of Missouri and the United States Fish and Wildlife Service, shall acquire lands, or designate project joint-use lands, for mitigation of fish and wildlife losses in addition to those lands recommended for such purposes by such report; except that the total acreage of all mitigation lands shall not exceed 1,000 acres.

TRIMBLE WILDLIFE AREA, SMITHVILLE LAKE, LITTLE PLATTE RIVER, MISSOURI

Wildlife.

The project for replacement of the Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri: Report of the Chief of Engineers, dated September 22, 1977, at a total cost of $1,570,000, with a first Federal cost of $1,570,000, except that the Secretary shall participate with the State of Missouri in the development of wildlife management measures and facilities on State lands rather than the acquisition of lands and the development of Jackass Bend.

ST. LOUIS HARBOR, MISSOURI AND ILLINOIS

The project for navigation, St. Louis Harbor, Missouri and Illinois: Report of the Chief of Engineers, dated April 30, 1984, at a total cost of $31,000,000, with an estimated first Federal cost of $10,400,000 and an estimated first non-Federal cost of $20,600,000.

MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA

Fish and fishing.
Wildlife.

The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Chief of Engineers, dated April 24, 1984, at a total cost of $51,900,000, with a first Federal cost of $51,900,000. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses.

OLCOTT HARBOR, NEW YORK

Fish and fishing.
Wildlife.

The project for navigation, Olcott Harbor, New York: Report of the Chief of Engineers, dated June 11, 1980, at a total cost of $12,600,000, with an estimated first Federal cost of $6,300,000 and an estimated first non-Federal cost of $6,300,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall conduct additional studies of the effects of the project on fish and wildlife resources. The Secretary is authorized to undertake any additional measures which he determines necessary and appropriate to minimize any adverse effects of the project on fish and wildlife production and habitat.

ATLANTIC INTRACOASTAL WATERWAY BRIDGES, NORTH CAROLINA

The project for replacement of Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers, dated October 1, 1975, House Document Numbered 94-597, at a total cost of $9,100,000, with a first Federal cost of $9,100,000, which shall be in addition to, and not in lieu of, any amounts authorized to be appropriated for such project under section 101 of the River and Harbor Act of 1970.

84 Stat. 1818.

MUDDY BOGGY CREEK, PARKER LAKE, OKLAHOMA

The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers, dated May 30, 1980, at a total cost of $46,000,000, with an estimated first Federal cost of $3,410,000 and an estimated first non-Federal cost of $42,590,000.

FORT GIBSON LAKE, OKLAHOMA

The project for Fort Gibson Lake, Oklahoma: Report of the Chief of Engineers, dated August 16, 1984, at a total cost of $24,600,000, with a first Federal cost of $24,600,000.

BLUE RIVER LAKE, OREGON

Energy.

Blue River Lake, hydroelectric power, Willamette River Basin, Oregon: Report of the Chief of Engineers, dated August 9, 1983, at a total cost of $30,700,000, with a first Federal cost of $30,700,000. The authorization under this paragraph shall not preclude development of hydroelectric power by a non-Federal interest if, within three years of the date of enactment of this Act, such non-Federal interest obtains a license from the Federal Energy Regulatory Commission for non-Federal development of hydroelectric power at the Blue River Lake project.

BIG RIVER RESERVOIR, RHODE ISLAND

Fish and fishing. Wildlife.

The project for flood control, Big River Reservoir, Rhode Island: Report of the Chief of Engineers, dated March 9, 1983, at a total cost of $86,700,000, with an estimated first Federal cost of $8,360,000 and an estimated first non-Federal cost of $78,340,000, including the acquisition of such additional lands as determined by the Secretary to be necessary and appropriate for mitigation of fish and wildlife losses. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall reevaluate the acquisition of mitigation lands recommended in the report of the Chief of Engineers for purposes of determining the need for additional lands for mitigation of fish and wildlife losses. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such reevaluation.

GREGORY COUNTY, SOUTH DAKOTA

Gregory County hydroelectric pumped storage facility, stages I and II, South Dakota: Report of the Chief of Engineers, dated 100 STAT. 4145 April 26, 1983, together with such additional associated multipurpose water supply and irrigation features as are generally described in the final feasibility report of the District Engineer, at a total cost of $1,390,000,000, with a first Federal cost of $1,390,000,000, not to exceed $100,000,000 of which may be used to construct such associated water supply and irrigation features: *Provided*, That the additional associated multipurpose water supply and irrigation features shall be undertaken concurrently by the Secretary of the Interior in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplemental thereto), as a unit of the Pick-Sloan Missouri River Basin Program: *Provided further*, That the Secretary of the Interior is authorized to undertake a feasibility study of the additional associated multipurpose water supply and irrigation features of the Gregory County hydroelectric pumped storage facility and that construction of the Gregory County hydroelectric pumped storage facility and such additional associated multipurpose water supply and irrigation features shall not be undertaken until the Secretary of the Interior has completed the feasibility report on such additional features and submitted such report to the Congress along with his certification that, in his judgment, the benefits of such features will exceed the costs and that such additional features are physically and financially feasible, and the Congress has authorized the appropriation of funds for the construction thereof.

MEMPHIS HARBOR, MEMPHIS, TENNESSEE

The project for navigation, Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers, dated February 25, 1981, at a total cost of $110,000,000, with an estimated first Federal cost of $38,400,000 and an estimated first non-Federal cost of $71,600,000, including acquisition of such additional lands for mitigation of losses of bottomland hardwood habitat as may be recommended by the Secretary and including such additional measures which the Secretary determines necessary and appropriate to prevent adverse effects on water quality. The Secretary shall reevaluate, in consultation with the Fish and Wildlife Service, the need for mitigation of project-induced losses of bottomland hardwood habitat. The Secretary, in consultation with the Environmental Protection Agency, shall conduct further studies of the quality of the water in the project area and the need for measures to prevent adverse effects on the quality of the water. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reevaluation and study.

COOPER LAKE AND CHANNELS, TEXAS

The project for the mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas: Report of the Chief of Engineers, dated May 21, 1982, at a total cost of $14,800,000, with an estimated first Federal cost of $8,160,000 and an estimated first non-Federal cost of $6,640,000.

HAMPTON ROADS DEBRIS REMOVAL, VIRGINIA

The project for the removal of debris from Hampton Roads and Vicinity, Virginia: Report of the Chief of Engineers, dated October 19, 1983, at a total cost of $7,030,000, with an estimated first Federal cost of $2,330,000 and an estimated first non-Federal cost of $4,700,000.

MC NARY LOCK AND DAM, WASHINGTON AND OREGON

The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, Phase I, General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981, at a total cost of $667,000,000, with a first Federal cost of $667,000,000.

CABIN CREEK, WEST VIRGINIA

That portion of the Cabin Creek, West Virginia, demonstration reclamation project providing for flood damage prevention measures: Report of the Chief of Engineers, dated March 1, 1979, at a total cost of $6,800,000, with an estimated first Federal cost of $3,400,000 and an estimated first non-Federal cost of $3,400,000, including channel improvement for 10.5 miles on Cabin Creek, establishment of flood plain management guidelines, and supplemental flood proofing. The construction of such features shall be coordinated with any construction by other Federal agencies of other features described in such report under applicable Federal laws.

(b) AUTHORIZATION OF CONSTRUCTION SUBJECT TO FAVORABLE REPORT.—The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports cited, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

RILLITO RIVER, TUCSON, ARIZONA

The project for bank erosion control, Rillito River in the vicinity of Tucson, Arizona: Report of the Division Engineer, dated July 14, 1986, for the purpose of providing protection against the level of flooding that occurred in October 1983, at a total cost of $26,000,000, with an estimated first Federal cost of $19,550,000 and an estimated first non-Federal cost of $6,450,000. Section 104 of this Act shall apply to the project authorized by this paragraph.

WAILUA FALLS, WAILUA RIVER, KAUAI, HAWAII

The project for hydroelectric power generation at Wailua Falls, Wailua River, Kauai, Hawaii, at a total cost of $13,500,000, with a first Federal cost of $13,500,000.

YAZOO RIVER, MISSISSIPPI

100 STAT. 4147

A project to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood south, to remove natural shoals as they occur, at an annual average cost of $200,000, so as to allow commerce to continue. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

TRINITY RIVER, TEXAS

Fish and fishing.
Wildlife.

The project for the mitigation of fish and wildlife losses, Trinity River, Texas: Report of the Board of Engineers for Rivers and Harbors, dated October 4, 1982, at a total cost of $10,400,000, with an estimated first Federal cost of $10,000,000 and an estimated first non-Federal cost of $400,000.

(c) PRE-CONSTRUCTION AUTHORIZATION.—The Secretary is authorized to carry out planning, engineering, and design for the following projects:

NEPONSET RIVER, MILTON TOWN LANDING TO PORT NORFOLK, MASSACHUSETTS

The project for dredging, Neponset River, Milton Town Landing to Port Norfolk, Massachusetts, including the disposal of the dredged material at sea, at a total cost of $450,000.

MERRIMACK RIVER, MASSACHUSETTS

The project for navigation, Merrimack River, Massachusetts, consisting of (1) improvements along the Merrimack River from Lowell, Massachusetts, to Lawrence, Massachusetts (including a concrete weir running eastward from the confluence of the Concord River and the Merrimack River parallel to the southern bank of the Merrimack River), (2) a lock at the end of the channel created by the weir, and (3) such other measures as the Secretary deems necessary in the interest of navigation, at a total cost of $800,000. In addition, the Secretary is authorized and directed to conduct necessary reconnaissance studies and feasibility studies on extending such project from Lawrence, Massachusetts, to Haverhill, Massachusetts, and from Haverhill, Massachusetts, to the mouth of the Merrimack River.

BUFFALO HARBOR, NEW YORK

The project to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at a total cost of $900,000.

WHEELING CREEK WATERSHED, OHIO

The project to prevent or reduce flooding problems in the Wheeling Creek Watershed, Ohio, including control of erosion of coal mine areas to reduce deposition of sediments in Wheeling Creek, removal of sediment deposits in Wheeling Creek, and other measures deemed appropriate by the Secretary, in consultation with the Soil Conservation Service of the Department of Agriculture, the United States Geological Survey, the Office of Surface Mining of the Department of the Interior, the State of Ohio, and other appropriate Federal and non-Federal agencies.

FIVE MILE CREEK, DALLAS, TEXAS

The project for flood protection along Five Mile Creek, Dallas, Texas, including dredging of a channel at the lower end of such creek and developing a retention structure at the upper end of such creek, at a total cost of $1,460,000.

FOX RIVER CHANNEL, GREEN BAY, WISCONSIN

The project to deepen the Fox River Channel, Green Bay, Wisconsin, to a depth of twenty-seven feet, at a total cost of $3,460,000.

(d) SECTION 107 PROJECTS.—The Secretary is authorized and directed to carry out the following projects under section 107 of the River and Harbor Act of 1960: 33 USC 577.

LARKSPUR FERRY CHANNEL, LARKSPUR, CALIFORNIA

Subject to section 903(a) of this Act, the project to maintain the Larkspur Ferry Channel, Larkspur, California, at a depth sufficient for ferry boat service between Marin County and San Francisco, California, at a total cost of $3,340,000.

SHELBURNE BAY, VERMONT

The project for navigation at LaPlatte River, Shelburne Bay, Vermont, at a total cost of $250,000.

RUDEE INLET, VIRGINIA

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia: Report of the Division Engineer, dated February 4, 1983, at a total cost of $1,270,000.

AGAT SMALL BOAT HARBOR, GUAM

Subject to section 903(a) of this Act, the project to construct the Agat small boat harbor in Guam, at a total cost of $4,040,000, with an estimated first Federal cost of $2,816,000 and an estimated first non-Federal cost of $1,224,000.

SEC. 602. LAKES PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary shall carry out programs for the removal of silt, aquatic growth, and other material in the following lakes:

(1) Albert Lea Lake, Freeborn County, Minnesota, removal of silt and aquatic growth; Minnesota.

(2) Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, removal of silt, aquatic growth, and other material and construction of silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River; Indiana.

(3) Greenwood Lake and Belcher Creek, New Jersey, removal of silt and stumps; New Jersey.

(4) Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, removal of silt and aquatic growth; Minnesota.

(5) Deal Lake, Monmouth County, New Jersey, removal of silt and stumps and the control of pollution from nonpoint sources; New Jersey.

(6) Lake Worth, Tarrant County, Texas, removal of silt and aquatic growth, including construction of silt traps and providing other devices or equipment to prevent and abate the further deposit of sediment in Lake Worth; such project shall also provide for the use of dredged material from Lake Worth for the reclamation of despoiled land; Texas.

(7) Hamlet City Lake, Hamlet, North Carolina, removal of accumulated silt and debris including construction of silt traps North Carolina.

and providing other devices or equipment to prevent and abate the further deposit of sediment in Hamlet City Lake;

South Dakota.

(8) Lake Herman, Lake County, South Dakota, removal of excess silt; and

Rhode Island.

(9) Gorton's Pond, Warwick, Rhode Island, mitigation activities recommended in the 1982 Environmental Protection Agency diagnostic feasibility study, including the installation of retention basins, the dredging of inlets and outlets in recommended areas and the disposal of dredge material, and weed harvesting and nutrient inactivation.

(b) The non-Federal share of the cost of each project carried out under this section shall be 25 percent.

(c) The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of the program under subsection (a), together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

33 USC 1324.

(d) There is authorized to be appropriated $40,000,000 for fiscal years beginning after September 30, 1986, to carry out this section. Not more than $8,000,000 may be obligated for any project under subsection (a).

SEC. 603. STREAMBANK EROSION CONTROL PROGRAM.

(a) Subject to section 903(a) of this Act, the Secretary is authorized to carry out a program to plan, design, and construct streambank erosion control projects listed in subsection (f) when, in the opinion of the Secretary, such work is economically justified and environmentally acceptable. Prior to construction of any projects for this purpose, non-Federal interests shall agree to provide, without cost to the United States, all lands, easements, and rights-of-way necessary for construction and subsequent operation of the project; hold and save the United States free from damages due to construction, operation, and maintenance of the project, except damages due to the fault or negligence of the United States or its contractors; and operate and maintain the project upon completion. The non-Federal share of the cost of each project carried out under this section shall be 25 percent. Lands, easements, and rights-of-way provided by non-Federal interests shall be credited to the non-Federal share.

(b) For the purposes of this section, $30,000,000 is authorized to be appropriated to the Secretary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. Not more than $5,000,000 shall be allotted for the construction of a project under this section at any single locality and such amount shall be sufficient to complete Federal participation in the project.

(c) The program of projects under this section shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

100 STAT. 4150

Research and development.

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slopes and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized mattings for vegetation seeding, and patterned schemes using manufactured blocks in loose, matted, or interconnected configurations;

(5) develop and evaluate engineering techniques to control overbank drainage; and

(6) identify and quantify economic losses occurring along rivers due to streambank erosion.

(d) The Secretary shall report to Congress each year of the demonstration program under this section on work undertaken pursuant to such program.

(e) For each project carried out under this section, the Secretary shall evaluate the environmental impacts of such project with respect to both riverine and adjacent land-use values, with the view of minimizing environmental losses.

(f) The program authorized by this section shall be undertaken at the following locations:

(1) LITTLE RIVER, ARKANSAS.—Little River in the vicinity of the Highway 41 bridge, Horatio, Arkansas, protection against streambank erosion.

Flood control. Fish and fishing. Wildlife.

(2) SACRAMENTO RIVER, CALIFORNIA.—Sacramento River and its tributaries from Red Bluff to Shasta Dam, and from Chico Landing downstream along each bank to the head of the Sacramento River flood control project levees, construction of bank protection works, including mitigation of fish and wildlife losses induced by the project.

(3) WABASH RIVER, ILLINOIS.—Wabash River at Grayville, Illinois, construction of a low-level weir across the cutoff channel to restore the river flow to its original channel and prevent streambank erosion and damage to public and private facilities.

Highways. Bridges.

(4) RED LAKE RIVER, MINNESOTA.—Red Lake River, Minnesota, approximately one and one-half miles west of Gentilly, Minnesota, correction of erosion problems adequate to protect the nearby highway and bridge.

(5) CANEY CREEK, MISSISSIPPI.—(A) Caney Creek in the vicinity of Jackson, Mississippi, between McDowell Road and Raymond Road, construction of such bank stabilization measures as the Secretary determines necessary for flood damage prevention and erosion control along approximately 3,000 feet of the creek.

(B) The Secretary shall complete his study of flood and soil erosion problems along Caney Creek and its tributaries in the vicinity of Jackson, Mississippi. For purposes of analyzing cost and benefits of any project recommended by the Secretary as a result of such study, the Secretary shall take into account the cost and benefits of measures undertaken pursuant to subparagraph (A).

Flood control.

(6) PLATTE RIVER, NEBRASKA.—(A) Sites on the Platte River and its tributaries in Nebraska, projects for flood control and streambank erosion prevention. The program shall have as its objectives the protection of property, environmental enhancement, and social well-being.

100 STAT. 4151

(B) Flood control projects carried out under this paragraph shall include projects for the construction, operation, and maintenance of flood damage reduction measures, including but not limited to bank protection and stabilization works, embankments, clearing, snagging, dredging, and all other appropriate flood control measures, and shall also include recreational facilities deemed appropriate by the Secretary. Such projects shall be carried out substantially in accordance with the plan of action of the Chief of Engineers, dated February 6, 1984, and with the Platte River and Tributaries, Nebraska, study of 1978 and the Platte River Basin, Nebraska, Level B Study of 1976.

Wildlife.

(C) For each project under this paragraph, the Secretary shall evaluate the environmental impacts of such project with respect to both riverine and adjacent land-use values, with the view of enhancing wildlife and wildlife habitat as a major purpose coequal with all other purposes and objectives, and with the view of minimizing environmental losses.

(D) Projects authorized by this paragraph shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, projects shall be conducted at sites on—

(i) that reach of the Platte River between Hershey, Nebraska, and the boundary between Lincoln and Dawson Counties, Nebraska; and

(ii) that reach of the Platte River from the boundary between Colfax and Dodge Counties, Nebraska, to its confluence with the Missouri River and that portion of the Elkhorn River from the boundary between Antelope and Madison Counties, Nebraska, to its confluence with the Platte River.

(E) The Secretary shall condition the construction, operation, and maintenance of any project under this paragraph upon the availability to the United States of such land and interests in land as he deems necessary to carry out such project and to protect and enhance the river in accordance with the purposes of this paragraph. Lands and interests in land for any project under this paragraph shall not be acquired without the consent of the owner, except that not to exceed five percent of the lands acquired for such a project may be acquired in less than fee title without the consent of the owner if determined necessary by the Secretary because of flooding or streambank erosion problems causing or threatening to cause serious damage in the Platte River Basin.

(F) The Secretary shall establish a Platte River Advisory Group consisting of representatives of the State of Nebraska and political subdivisions thereof, affected Federal agencies, and such private organizations as the Secretary deems desirable. Projects under this paragraph shall be carried out in coordination and consultation with such Advisory Group.

(7) ELM CREEK, DECATUR, NEBRASKA.—Elm Creek in the vicinity of Decatur, Nebraska, such emergency bank stabilization measures as are necessary to protect bridges.

(8) PASSAIC RIVER, NEW JERSEY.—(A) East bank of the Passaic River, New Jersey, from Dundee Dam to Kearney Point, bank stabilization and development, operation, and maintenance of a recreation and greenbelt area on public properties on, and along the bank. The project shall be carried out after consultation with the Passiac River Restoration Steering Committee, and shall include, but not be limited to—

(i) the construction, operation, and maintenance of recreational facilities (including, but not limited to, a multipurpose pathway described in the Passaic River Restoration Master Plan) and streambank stabilization structures;

(ii) terraforming; and

Wildlife.

(iii) such tree plantings, vegetation and wildlife protection and development, and other activities as will enhance the natural environment for recreational purposes.

(B) The construction and maintenance of structures and plant and husbandry activities referred to in subparagraph (A) shall be conditioned upon the ownership by the public of the land or interest therein necessary for such purposes. The operation and maintenance of such structures and activities shall be undertaken by the counties or cities owning the lands on which such structures are to be located or on which such activities are to be carried out.

State and local governments.

(C) In carrying out the project described in subparagraph (A), the Secretary may acquire by purchase, donation, exchange, or otherwise, lands and interests therein as the Secretary and the Passaic River Restoration Steering Committee determine are necessary to carry out such project. No lands or interests therein may be acquired by the United States or any State or local government to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any lands or interests therein which is not owned by the United States or a State or local government.

(9) OHIO RIVER AND TRIBUTARIES.—Ohio River and Tributaries, streambank erosion protection measures in the following locations:

(A) that reach of the Ohio River between the Captain Anthony Meldahl Locks and Dam and the McAlpine Locks and Dam;

(B) the Licking River;

(C) the Kanawha River in the vicinity of St. Albans, West Virginia;

(D) from the mouth of the Ohio River to Uniontown Dam, Illinois; and

(E) along the Wabash River, from the mouth of the Wabash River to its confluence with the Little Wabash River.

(10) Upper missouri river, south dakota.—Locations on the Missouri River upstream of the Fort Randall Dam and downstream of the Oahe Dam; upstream of the Oahe Dam and downstream of the Garrison Dam; upstream of the Garrison Dam and downstream of the Fort Peck Dam; and upstream of the Fort Peck Dam to the confluence of the Missouri and Musselshell Rivers.

(11) Memphis, tennessee.—Sites on the Mississippi River in the vicinity of Memphis, Tennessee, construction of bank protection works.

(12) La conner, washington.—La Conner, Washington, such bank erosion control measures along the Swinomish Channel as the Secretary determines necessary to prevent damage to structures in the La Conner Historical District.

(13) Kanawha river, west virginia.—Kanawha River from approximately 55th Street to a point approximately 100 feet upstream of 57th Street in Charleston, West Virginia, construction of such streambank protection works as the Secretary deems necessary to prevent further bank failure and erosion of a 1,200-foot reach of the left descending bank.

SEC. 604. DES MOINES RIVER GREENBELT.

The project for the Des Moines Recreational River and Greenbelt, Iowa, authorized by Public Law 99-88, shall include the area described in the Des Moines Recreational River and Greenbelt Map, which description is printed in Committee Print 99-53 of the Committee on Public Works and Transportation of the House of Representatives (dated September 1986). 99 Stat. 293.

SEC. 605. BARNEGAT INLET TO LONGPORT, NEW JERSEY.

The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Barnegat Inlet to Longport, New Jersey, substantially in accordance with the report of the Chief of Engineers, dated October 24, 1975, except that such project may also include construction of a fisherman walkway on top of a jetty as described in the report of the Chief of Engineers, dated January 20, 1983, at a total cost of $106,290,000, with an estimated first Federal cost of $59,505,000 and an estimated first non-Federal cost of $46,785,000. The Secretary may construct the beach erosion control, navigation, or storm protection feature of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 606. CHESAPEAKE BAY.

Maryland.
Pennsylvania.
Virginia.

(a) The Secretary is authorized to construct projects for low-cost projects along the shore of the Chesapeake Bay and its tributaries for the control of streambank and shoreline erosion. The Secretary shall select an equal number of projects under this section in each of the States of Maryland, Pennsylvania, and Virginia. In selecting projects in Virginia under this section, the Secretary shall give priority consideration to the shoal at the mouth of the Coan River.

(b) The Federal share of the cost of the projects under this section shall be 50 percent.

(c) Information gathered in the study conducted under section 54 of the Water Resources Development Act of 1976 shall be used to the extent possible in selecting appropriate projects. 42 USC 1962d-5 note.

Appropriation authorization.

(d) There is authorized to be appropriated for fiscal years beginning after September 30, 1986, $5,000,000 to carry out this section.

SEC. 607. PASSAIC RIVER BASIN CHANNEL CLEARING.

New Jersey.

Subject to section 903(a) of this Act, the Secretary is authorized and directed to implement snagging and clearing and channel rectification measures along the Passaic, Pompton, Pequannock, and Ramapo Rivers, New Jersey, from Beatties Dam in Little Falls on the Passaic River upstream to the confluence of the Pompton River at Two Bridges, upstream along the Pompton River to and including the Pompton Feeder on the Pequannock and Ramapo Rivers, and upstream along the Ramapo River to the Pompton Lakes Dam, and along tributaries of such rivers (including Singac Brook and Weasel Brook), including the modification of such structures, flood proofing, and flood warning measures as determined necessary by the Chief of Engineers, at a total cost of $33,300,000, with an estimated first Federal cost of $25,000,000 and an estimated first non-Federal cost of $8,300,000. In addition, subject to section 903(a) of this Act, the Secretary is authorized to undertake a project for flood control for the Passaic River in the vicinity of Beatties Dam in Little Falls, New Jersey, at a total cost of $20,000,000, with an estimated first Federal cost of $15,000,000 and an estimated first non-Federal cost of $5,000,000. The non-Federal share of the cost of the projects under this section is 25 percent.

100 STAT. 4154

SEC. 608. MOUND STATE PARK AND FORT TOULOUSE NATIONAL HISTORIC LANDMARK, ALABAMA.

(a) Subject to section 903(a) of this Act, the Secretary is authorized and directed to take such action as may be necessary to correct erosion problems along the banks of the Warrior River in order to protect Mound State Park, near Moundville, Alabama, substantially in accordance with the study directed by the Mobile district engineer and dated July 20, 1981, at a total cost of $4,400,000, with an estimated first Federal cost of $3,300,000 and an estimated first non-Federal cost of $1,100,000.

(b) Subject to section 903(a) of this Act, the Secretary is authorized to preserve and protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in the county of Elmore, Alabama, by instituting bank stabilization measures, in accordance with alternative B contained in the Mobile district engineer's design supplement report entitled "Jones Bluff Reservoir, Alabama River, Alabama, Fort Toulouse, Design Report, National Historic Landmark", dated July 1975, at a total cost of $16,000,000, with an estimated first Federal cost of $12,000,000 and an estimated first non-Federal cost of $4,000,000.

SEC. 609. MUCK LEVEE, SALT CREEK, ILLINOIS.

Subject to section 903(a) of this Act, the Secretary shall repair and rehabilitate the Muck Levee, Salt Creek, Logan County, Illinois, at a total cost of $12,000, with an estimated first Federal cost of $9,000 and an estimated first non-Federal cost of $3,000.

SEC. 610. SWAN CREEK HARBOR OF REFUGE.

Michigan.

Subject to section 903(a) of this Act, the Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Swan Creek, Newport, Michigan. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

SEC. 611. TRANSFER OF DREDGING VESSEL.

North Carolina.

Notwithstanding any other provision of law, the Secretary shall transfer to New Hanover County, North Carolina, its successors or assigns, without consideration, all right, title, and interest of the United States to a surplus dredging vessel (known as the "Hyde hopper dredge") in Wilmington, North Carolina, if such county agrees in writing to utilize such vessel only for the purpose of establishing an artificial fish habitat at no cost to the United States.

100 STAT. 4155

SEC. 612. INTERIM MEASURES FOR WHEELING CREEK, OHIO.

Flood control.

Subject to section 903(a) of this Act, the Secretary is authorized to undertake interim emergency flood control measures, including the removal of sediment deposits from Wheeling Creek and other measures deemed appropriate by the Secretary, to reduce flood damage in the vicinity of Goosetown, Wolfhurst, Barton, Crescent, Maynard, Blainsville, Fairpointe, Crabapple, and Lafferty, Ohio, at a total cost of $4,000,000, with an estimated first Federal cost of $2,962,000 and an estimated first non-Federal cost of $1,038,000. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the planning, engineering, and design for the Wheeling Creek Watershed authorized by section 601(c), the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this section.

SEC. 613. TOLAY LAKE, CALIFORNIA.

The Secretary, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency shall jointly develop a feasibility study for the construction in the vicinity of the former site of Tolay Lake in Sonoma County, California, of a water resources development project consisting of one or more of the reclamation project alternatives (other than the ocean outfall alternative) included in the Final Environmental Impact Report, Sonoma County Wastewater Reclamation Project, adopted by the Sonoma County Board of Supervisors, April 21, 1981, at a total cost of $3,000,000. Not later than one year after the date of the enactment of this Act, the Secretary, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency shall submit a report to Congress with recommendations on a program and methods of financing the program.

SEC. 614. PROJECTS FOR SOIL EROSION PREVENTION.

Virginia.
New Mexico.

(a) The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, is authorized to complete construction of the following projects for run-off and waterflow retardation and soil erosion prevention:

(1) Bush River Watershed, Virginia;
(2) Great Creek Watershed, Virginia; and
(3) Cottonwood-Walnut Creek Watershed, New Mexico.

(b) Construction of such projects shall be completed in accordance with the resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives which authorized such construction; except that—

(1) construction of the project for Cottonwood-Walnut Creek Watershed, New Mexico, shall be completed in accordance with such resolutions as modified by Committee Print 99-11 of the Committee on Public Works and Transportation of the House of Representatives; and

Appropriation authorization.

(2) the amount authorized to be appropriated for construction of such projects shall be as follows:

(A) for Bush River Watershed, Virginia, $13,700,000;
(B) for Great Creek Watershed, Virginia, $3,900,000; and
(C) for Cottonwood-Walnut Creek Watershed, New Mexico, $28,063,000.

SEC. 615. PORT ONTARIO, SANDY CREEK, NEW YORK.

The Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Port Ontario, Sandy Creek, New York. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

SEC. 616. DULUTH, MINNESOTA, SHORELINE PROTECTION.

The Secretary is authorized to construct shoreline protection measures for the shoreline adjacent to the runway at the Sky Harbor Municipal Airport, Duluth, Minnesota, including riprap shore protection, fueling area repairs and protection, and topsoil and turf establishment, at a total cost of $333,000, with an estimated first Federal cost of $250,000 and an estimated first non-Federal cost of $83,000.

Reports.

TITLE VII—WATER RESOURCES STUDIES

SEC. 701. FEASIBILITY REPORTS FOR ILLINOIS AND KINNICKINNIC RIVERS.

Illinois.
Wisconsin.
Flood control.

The Secretary is authorized and directed to prepare and submit to Congress feasibility reports on the following water resources projects at the following locations:

Illinois River in the vicinity of Hardin, Illinois, to recommend remedial measures for bank stabilization.

Kinnickinnic River, Milwaukee County, Wisconsin, for flood control and allied purposes.

33 USC 2261.

SEC. 702. TERRITORIES DEVELOPMENT STUDY.

Virgin Islands.
Guam.
American Samoa.
Trust Territory of the Pacific Islands.
Northern Mariana Islands.
Conservation.
Flood control.
Energy.
Waste disposal.
Fish and fishing.
Wildlife.
Environmental protection.

The Secretary is hereby authorized and directed to make studies in cooperation with the Secretary of the Interior and the governments of the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the purposes of providing plans for the development, utilization, and conservation of water and related land resources of such jurisdiction, at a total cost of $2,000,000 for each of the five studies. Such studies shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development. Such studies shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies. Any funds made available under this section for a study for any such jurisdiction which is not needed for such study shall be available to the Secretary to construct authorized water resources projects in such jurisdiction and to implement the findings of such study with appropriate cost sharing as provided in this Act.

33 USC 2262.

SEC. 703. SURVEY OF POTENTIAL FOR USE OF CERTAIN FACILITIES AS HYDROELECTRIC FACILITIES.

100 STAT. 4157

(a) The Secretary shall, upon the request of local public officials, survey the potential and methods for rehabilitating former industrial sites, millraces, and similar types of facilities already constructed for use as hydroelectric facilities. The Secretary shall, upon request, provide technical assistance to local public agencies, including electric cooperatives, in designing projects to rehabilitate sites that have been surveyed, or are qualified for such survey, under this section. The non-Federal share of the cost of carrying out this section shall be 50 percent.

Appropriation authorization.

(b) There is authorized to be appropriated to the Secretary, to implement this section, the sum of $5,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992, such sums to remain available until expended.

SEC. 704. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

33 USC 2263.

(a) The Secretary shall investigate and study the feasibility of utilizing the capabilities of the United States Army Corps of Engineers to conserve fish and wildlife (including their habitats) where such fish and wildlife are indigenous to the United States, its possessions, or its territories. The scope of such study shall include the use of engineering or construction capabilities to create alternative habitats, or to improve, enlarge, develop, or otherwise beneficially modify existing habitats of such fish and wildlife. The study shall be conducted in consultation with the Director of the Fish and Wildlife Service of the Department of the Interior, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, and shall be transmitted within the 30-month period beginning on the date of enactment of this Act by the Secretary to Congress, together with the findings, conclusions, and recommendations of the Chief of Engineers. The Secretary, in consultation with the Federal officers referred to in the preceding sentence, shall undertake a continuing review of the matters covered in the study and shall transmit to Congress, on a biennial basis, any revisions to the study that may be required as a result of the review, together with the findings, conclusions, and recommendations of the Chief of Engineers.

(b) The Secretary is further authorized to conduct projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed $5,000,000 to carry out such projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. Such projects shall include—

Appropriation authorization.

(1) the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York; New York.

(2) the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida; Florida.

(3) the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York; and New York.

(4) the construction of a reef for fish habitat in the Chesapeake Bay in Maryland. Maryland.

The non-Federal share of the cost of any project under this section shall be 25 percent.

100 STAT. 4158

SEC. 705. SAN FRANCISCO BAY AREA FLOOD CONTROL STUDY.

Section 142 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by inserting immediately after "Napa," the following: "San Francisco, Marin,".

90 Stat. 2930.

SEC. 706. GREAT LAKES LEVELS STUDY.

33 USC 426 note.

(a) The Secretary, in cooperation with the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, the International Joint Commission, and other appropriate Federal, State, and local agencies and the private sector, is authorized to conduct a study of shoreline protection and beach erosion control policy and related projects of the Secretary, in view of the current situation and long-term expected increases in the levels of the Great Lakes. Such study shall include, but is not limited to—

(1) a study to determine the magnitude and extent of current and expected future shoreline erosion on the Great Lakes and

connecting channels occurring as a result of high water levels. The study shall examine the impacts of the long-term cold weather cycle on lake levels and shoreline damage. The study shall also examine the relationship of shoreline damage to the regulation of outflows from Lake Superior and Lake Erie in accordance with approved regulation plans of the International Joint Commission;

(2) an economic and hydrologic analysis to determine whether changes in the inflows and outflows of the existing structures may be desirable to reduce shoreline damages, and whether further regulation of the outflow of Lake Erie may be warranted to achieve better regulation of the water levels of the Great Lakes;

(3) a summary of the legal and institutional impacts of rising lake levels on riparian lands; and

(4) recommendations for new or additional criteria for Federal participation in shoreline protection projects along the Great Lakes and connecting channels.

(b) Within three years after the date of enactment of this Act, the Secretary shall transmit the studies prepared pursuant to subsection (a) of this section, together with supporting documentation and the recommendations of the Secretary, to the Committee on Environment and Public Works of the Senate and Committee on Public Works and Transportation of the House of Representatives.

Appropriation authorization.

(c) For the purposes of this section, there is authorized to be appropriated to the Secretary for the fiscal year ending September 30, 1987, or thereafter, the sum of $3,000,000, such sum to remain available until expended.

SEC. 707. CAPITAL INVESTMENT NEEDS FOR WATER RESOURCES.

Transportation.
Flood control.
Energy.
Fish and fishing.
Wildlife.
Conservation.

(a) Not later than two years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an estimate of the long-range capital investment needs for water resources programs under the jurisdiction of the Secretary, including, but not limited to, deep-draft ports, inland waterway transportation, flood control, municipal and industrial water supply, and hydroelectric power and recreation and fish and wildlife conservation and enhancement associated with such programs.

(b) The estimate prepared under this section shall include, but not be limited to—

100 STAT. 4159

(1) an estimate of the current service levels of public capital investments and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(2) capital investment needs in each major program area over a period of ten years;

(3) an identification and analysis of the principal policy issues that affect estimated capital investment needs;

(4) an identification and analysis of factors that affect estimated capital investment needs including, but not limited to, the following factors:

(A) economic assumptions;

(B) engineering standards;

(C) estimates of spending for operation and maintenance;

(D) estimates of expenditures for similar investments by State and local governments;

(E) estimates of demand and need for public services derived from such capital investments and estimates of the service capacity of such investments; and

(F) the effects of delays in planning and implementation of water resources projects on the capital investment costs of water resources programs, including increased costs associated with interest rates and inflation;

(5) a description of the economic, social, and environmental benefits realized from past investments and expected to be realized from future investments, including the protection of life and property; and

(6) an analysis of the effect of different levels of cost sharing and user fee recovery on the demand for water resources projects.

SEC. 708. NEW YORK HARBOR AND ADJACENT CHANNEL STUDY.

New York.
New Jersey.

The Secretary is directed to expedite completion of the study of New York Harbor and Adjacent Channels, New York and New Jersey, authorized by a resolution of the Committee on Environment and Public Works of the Senate, dated December 15, 1980, and to submit a report to Congress on the results of such study not later than December 31, 1987.

SEC. 709. DIOXIN CONTAMINATION IN PASSAIC RIVER-NEWARK BAY.

New Jersey.

(a) The Administrator of the Environmental Protection Agency shall study and monitor the extent and adverse environmental effects of dioxin contamination in the Passaic River-Newark Bay navigation system. The study and report under this section are not intended to encumber civil works projects under development or scheduled to be maintained. Work on these projects shall proceed along the present schedule.

(b) Not later than one year after the date of enactment of this Act, the Administrator shall transmit a report on the results of such study and monitoring along with any recommendations of the Administrator concerning methods of reducing the effects of such contamination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

100 STAT. 4160

SEC. 710. DEAUTHORIZATION OF STUDIES.

33 USC 2264.

(a) Not later than one year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a list of incomplete water resources studies which have been authorized, but for which no funds have been appropriated during the 5 full fiscal years preceding the submission of such list. For each such study the Secretary shall include the following information:

(1) the date of authorization and the manner in which the study was authorized;

(2) a description of the purposes of the study;

(3) a description of funding that has been made available for the study;

(4) a description of any work that has been performed in carrying out the study and the results and conclusions, if any, of such work; and

(5) a description of any work that remains to be done in carrying out the study and the time necessary for and estimated cost of completing such work.

(b) Each study included in a list under subsection (a) is not authorized on and after the 90th day following the submission to Congress of such list if no funds have been appropriated for such study after the list is submitted and before such 90th day.

SEC. 711. SAGINAW BAY, MICHIGAN.

The Secretary is authorized and directed to undertake a study of the feasibility of navigation improvements at Saginaw Bay and Saginaw River, Michigan, including channel widening and deepening. The Secretary shall submit the feasibility report on such study to the Congress not later than December 31, 1989.

SEC. 712. RANCHO PALOS VERDES, CALIFORNIA.

The Secretary is authorized to study the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos

Verdes coastline and in the city of Rolling Hills, California, for the purpose of providing additional stabilization for the Portuguese Bend landslide area and adjacent landslide areas. The Secretary shall submit the feasibility report on such study to the Congress not later than two years after the date of enactment of this Act.

SEC. 713. LOUISIANA SHORELINE EROSION STUDY.

In order to determine the feasibility of specific measures to diminish shoreline erosion, marsh deterioration, salt water intrusion, hurricane vulnerability, and barrier island destruction and to carry out reasonable planning efforts that require suitable sediment for nourishment, the Secretary is authorized to conduct a nearshore sediment inventory to determine availability of suitable sediment in the offshore waters of Louisiana between Southwest Pass and Sabine Pass and in Lake Pontchartrain and in Lake Borgne, at a cost not to exceed $2,000,000.

SEC. 714. LAND ACQUISITION POLICY STUDY.

Minerals.
Texas.

The Secretary shall study land acquisition policies applicable to water resources projects carried out by the Secretary, including, among other things, an analysis of the acquisition policies of mineral rights in connection with such projects. Such study shall also include a complete detailed report on (1) the acquisition policies and procedures utilized by the Secretary in the acquisition of mineral rights at the water resources project for Lake Sommerville, Texas, authorized by the Flood Control Act of June 28, 1938, and (2) the acquisition policies and procedures followed in permitting reservoir lands to be used for mineral exploration and development subsequent to construction of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with such recommendations as the Secretary may have for modifications of such land acquisition policies.

100 STAT. 4161

33 USC 701b.

33 USC 2265.

SEC. 715. COLUMBIA RIVER/ARKANSAS RIVER BASIN TRANSFERS.

(a) No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Columbia River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

(b) For a period of 5 years after the date of enactment of this Act, no Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal water and related land resource project which has as its objective the transfer of water from the Arkansas River Basin to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

SEC. 716. BLACK WARRIOR-TOMBIGBEE RIVER.

The Secretary shall immediately conduct a feasibility study of protection from erosion problems on the southern bank of the Black Warrior-Tombigbee River from river mile 253 to river mile 255. Not later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations for measures to alleviate such erosion problems, if feasible.

SEC. 717. STORMWATER RUNOFF CONTROL STUDY.

The Secretary is authorized to conduct a study of the feasibility of developing measures to control storm water runoff on a watershed basis. Such study shall include, among other things, a review of existing drainage codes, State statutes, and Federal programs relating to prevention of drainage soil erosion and flooding. Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations concerning development of such measures.

SEC. 718. BOUNDARY DELINEATION AND FENCING PRACTICES.

The Secretary is authorized and directed to conduct a study (1) to analyze the differences among Corps districts and Corps divisions regarding boundary delineation and fencing practices, (2) to analyze the cost of fencing activities and the relationship of such cost to the benefits derived from such activities, and (3) to analyze the need for providing, to the greatest extent practicable and consistent with authorized project purposes, access of the project area to the general public for recreational purposes. The Secretary shall submit a report on the results of such study to Congress not later than one year after the date of the enactment of this Act.

SEC. 719. PROJECT EVALUATION AND SELECTION CRITERIA.

Flood control.
Rural areas.
Disadvantaged persons.

The Secretary is authorized and directed to conduct a study of the Army Corps of Engineers project evaluation and selection criteria identifying all factors which affect the selection of flood control or other projects under the Secretary's authority in rural areas and in areas with greater percentages of low-income individuals. Not later than one year after the date of the enactment of this Act the Secretary shall transmit a report to Congress on the results of such study together with specific recommendations for changes in the selection criteria that would effectively eliminate any bias against projects in such areas.

SEC. 720. POTOMAC RIVER HYDRILLA.

The Secretary is authorized and directed to conduct a feasibility study of the eradication and control of hydrilla in the Potomac River and to develop an effective plan of action for such eradication and control. Not later than September 30, 1987, the Secretary shall submit to Congress a report on the results of such study together with the plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

SEC. 721. CHESAPEAKE BAY DROUGHT MANAGEMENT.

Conservation.

(a) The Secretary shall study and develop a plan for drought management and low fresh-water inflow maintenance on the major tributaries entering the Chesapeake Bay, including, but not limited to, water conservation, water storage, emergency restrictions, and ground water recharge.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report on the study required by this section, together with recommendations, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The Secretary shall include in the report recommendations for appropriate Federal and non-Federal responsibilities in carrying out the plan.

(c) The Secretary is authorized to undertake feasibility reports with respect to those responsibilities identified in the report under subsection (b) as Federal responsibilities.

SEC. 722. GUAYANILLA RIVER BASIN, PUERTO RICO.

(a) The Secretary shall conduct a feasibility study on providing flood protection in the Guayanilla River Basin, Puerto Rico.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study together with such recommendations as the Secretary determines to be appropriate.

SEC. 723. STUDY OF HYDROPOWER STATUS.

Illinois.
Indiana.
Michigan.
Ohio.
Wisconsin.
Iowa.
Minnesota.
Pennsylvania.
West Virginia.

The Secretary shall prepare and submit to Congress not later than October 1, 1987, a report on the status of feasibility and reconnaissance studies (including studies completed and studies currently being conducted) relating to the hydroelectric power potential at existing Corps of Engineers projects in the States of Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Minnesota, Pennsylvania, and West Virginia.

33 USC 2266.

100 STAT. 4163

SEC. 724. CANADIAN TIDAL POWER STUDY.

(a) The Secretary, after consultation with the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and other appropriate governmental agencies, and the National Research Council of the National Academy of Sciences, is authorized and directed to undertake studies to identify the impacts on the United States of potential Canadian tidal power development in the Bay of Fundy, and submit such studies to the appropriate committees of the Congress.

(b) The Secretary shall conduct the studies authorized in subsection (a) of this section in two phases:

(1) Studies to be completed not later than October 1, 1988, to (A) identify effects of any such projects on tidal ranges and resulting impacts to beaches and estuarine areas, and (B) identify further studies which would be needed to meet the requirements of paragraph (2) of this subsection; and

(2) Studies to be completed not later than October 1, 1990, to (A) determine further environmental, social, economic, and institutional impacts of such tidal power development, and (B) determine what measures could be taken in Canada and the United States to offset or minimize any adverse impacts of such development on the United States.

Appropriation authorization.

(c) In the fiscal year ending September 30, 1987, or in any fiscal year thereafter, there is authorized to be appropriated to the Secretary the sum of $1,100,000 for the purposes of subsection (b)(1) of this section, and the sum of $8,900,000 for the purposes of subsection (b)(2) of this section, such sums to remain available until expended.

SEC. 725. RED RIVER BASIN HYDROELECTRIC POWER STUDIES.

Arkansas.
Texas.
Louisiana.
Oklahoma.
97 Stat. 311.

The Secretary is directed to expedite the hydroelectric power studies of the Red River Basin Comprehensive Study, Arkansas, Texas, Louisiana, and Oklahoma (authorized by Public Law 98-63), with a particular view of investigating the feasibility of adding hydroelectric power generating facilities at the Tuskahoma Lake, Oklahoma, project.

SEC. 726. RAINY RIVER BASIN.

Canada.
Minnesota.
Flood control.
Energy.
Fish and fishing.
Wildlife.
Conservation.
Agriculture and agricultural commodities.

The Secretary shall conduct feasibility studies, in cooperation with Canada, for the purposes of providing plans for the development, utilization, and conservation of water and related land resources in the Rainy River Basin, Minnesota, and Ontario. Such studies shall include appropriate consideration of the needs for flood reduction, wise use of flood plain lands, navigation facilities, hydroelectric power generation, water supply, water quality, general recreation facilities, enhancement and conservation of fish and wildlife, and wild rice production. Such study shall be compatible with comprehensive development plans formulated by other agencies.

SEC. 727. UTAH RECONNAISSANCE STUDIES.

Flood control.

(a) The Secretary is authorized to undertake the following reconnaissance studies in the State of Utah in order to determine if improvements for the purposes of flood control and related purposes are economically and environmentally justified, and to report on such studies to Congress:

100 STAT. 4164

(1) the Provo River, from the mouth of Provo Canyon to Utah Lake;

(2) the existing levees along Utah Lake from the Provo River south along Interstate Highway 15;

(3) Interstate Highway 15, adjacent to Utah Lake;

(4) Rock, Little Rock, and Slate Canyons in the city of Provo;

(5) the Bear River, its tributaries and outlets;

(6) the Weber River, its tributaries and outlets; and

(7) the Sevier River, its tributaries and outlets.

(b) For the purposes of this section, the sum of $1,600,000 is authorized to be appropriated to the Secretary for fiscal years beginning after September 30, 1986, such sums to remain available until expended.

Appropriation authorization.

SEC. 728. NEW YORK BIGHT STUDY.

33 USC 2267.

(a) The Secretary shall study a hydro-environmental monitoring and information system in the New York Bight in the form of a system using computerized buoys and radio telemetry that allows for the continual monitoring (at strategically located sites throughout the New York Bight) of the following: wind, wave, current, salinity and thermal gradients and sea chemistry, in order to measure the effect of changes due to air and water pollution, including changes due to continued dumping in the Bight.

Environmental protection.

(b) In addition, the Secretary shall study a proper physical hydraulic model of the New York Bight and for such an offshore model to be tied into the existing inshore physical hydraulic model of the Port of New York and New Jersey operated by the United States Army Corps of Engineers.

New Jersey.

(c) The Secretary shall coordinate fully with the Administrator of the Environmental Protection Agency in carrying out the study described in this section and shall report any findings and recommendations to Congress. The Secretary and the Administrator shall also consider the views of other appropriate Federal, State, and local agencies, academic institutions, and members of the public who are concerned about water quality in the New York Bight.

(d) There is authorized to be appropriated not more than $1,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

Appropriation authorization.

SEC. 729. STUDY OF WATER RESOURCES NEEDS OF RIVER BASINS AND REGIONS.

(a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1988.

(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

(c) There is authorized to be appropriated $5,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.

Appropriation authorization.

100 STAT. 4165

SEC. 730. STUDY OF RECAPTURE OF BENEFITS OF INCREASED LAND VALUES.

The Secretary shall study current practices on the sharing of costs related to the benefits of increased land values resulting from water resources projects carried out by the Secretary, together with potential methods by which any increase in land values should be shared between the Federal Government and the non-Federal interests. The Secretary shall report to Congress on the results of such study, along with recommendations, not later than 2 years after the date of enactment of this Act.

33 USC 426 note.

SEC. 731. STUDY OF RISING OCEANS.

(a) The Congress finds that increasing scientific evidence indicates the level of the oceans will rise significantly over the next seventy-five years.

(b) The Secretary, in cooperation with the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, and other appropriate Federal, State, and local agencies and the private sector, is authorized to conduct a study of shoreline protection and beach erosion control policy and related projects of the Secretary, in view of the prospect for long-term increases in the levels of the ocean. Such study shall include, but is not limited to—

(1) an assessment of the probability and the extent of coastal flooding and erosion;

(2) an appraisal of various strategies for managing relocation, disinvestment, and reinvestment in coastal communities exposed to coastal flooding and erosion;

(3) a summary of the legal and institutional impact of rising sea level on riparian lands; and

(4) recommendations for new or additional criteria for Federal participation in shoreline protection projects.

(c) Within three years after the date of enactment of this Act, the Secretary shall transmit the study prepared pursuant to subsection (b) of this section, together with supporting documentation and the recommendations of the Secretary, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

Appropriation authorization.

(d) There is authorized to be appropriated $3,000,000 for fiscal years beginning after September 30, 1986, to carry out this section, such sum to remain available until expended.

SEC. 732. SHORELINE EROSION DAMAGE ON LAKE SUPERIOR.

The Secretary, in consultation with appropriate Federal, State, and local agencies, shall determine the extent of shoreline erosion damage in the United States causally related to the regulation of the waters of Lake Superior by the International Joint Commission—United States and Canada, subsequent to an emergency application by the United States made on January 26, 1973. The Secretary shall report to Congress, not later than the end of the fiscal year following the fiscal year for which the initial appropriation is made to carry out this section, the results of such survey and, if justified, recommendations of a methodology for and a determination of the costs of indemnifying individual property owners and a recommended schedule for indemnification. There is authorized to be appropriated to carry out this section not to exceed $2,130,000.

Appropriation authorization.

Florida.

SEC. 733. LAKE OKEECHOBEE STUDY.

100 STAT. 4166

(a) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, is authorized to undertake a study of the water supply potential of Lake Okeechobee in Florida, with particular emphasis on determining the causes of water quality deterioration in the lake and the impact, if any, that the Central and Southern Florida Irrigation Project may have on water quality in the lake. In undertaking the study authorized pursuant to this section, the Secretary shall coordinate with the State of Florida and shall assess the impact of short- and long-term solutions proposed by Federal, State, and local entities to alleviate the water quality and water supply problems of Lake Okeechobee.

(b) Within two years after the first appropriation of funds for the study, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of the study authorized pursuant to this section and any recommendations of the Secretary concerning measures which may be implemented at the Federal, State, or local level to improve the water quality and the water supply potential of Lake Okeechobee.

(c) There are authorized to be appropriated $1,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.

Appropriation authorization.

TITLE VIII—PROJECT MODIFICATIONS

SEC. 801. LYNNHAVEN INLET, VIRGINIA.

The navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173, 1174) is modified to provide that the United States shall pay for the remedial work to Long Creek Canal which the city of Virginia Beach, Virginia, was required to carry out as a result of such navigation project, at a total cost of $2,600,000, with a first Federal cost of $2,600,000.

SEC. 802. ELIZABETH RIVER, VIRGINIA.

The project for navigation on the Southern Branch of Elizabeth River, Virginia, authorized by resolutions of the Senate and House Public Works Committees, dated October 1, 1976, and September 23, 1976, respectively, under the provisions of section 201 of Public Law 89-298, is modified to delete the requirement that local interests contribute in cash for land enhancement benefits 2.4 percent of the construction cost, including engineering and design and supervision and administration thereof, of all work to be provided by the Corps of Engineers, at a total cost of $151,000, with a first Federal cost of $151,000.

42 USC 1962d-5.

SEC. 803. MASSILLON, OHIO BRIDGE.

Flood control.
Bridges.
33 USC 701b.

The general comprehensive plan for flood control and other purposes in the Ohio River Basin authorized by the Flood Control Act approved June 28, 1938, is modified to authorize the Secretary to reconstruct and repair the Cherry Street bridge and the Walnut Street bridge, Massillon, Ohio, at a total cost of $2,200,000, with an estimated first Federal cost of $1,100,000 and an estimated first non-Federal cost of $1,100,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent. Non-Federal interests shall own, operate, and, upon completion of the work authorized by this section, maintain such bridges in accordance with the requirements of the Flood Control Act approved June 28, 1938.

100 STAT. 4167

33 USC 701b.

SEC. 804. MAMARONECK HARBOR, NEW YORK.

The navigation project at Mamaroneck Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1038), the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), and section 101 of the Rivers and Harbors Act of 1960 (74 Stat. 480) is modified to provide that the Federal share of the additional cost of disposing in ocean waters dredged material resulting from dredging necessary to maintain the project, above the cost of disposing of such dredged material on land, shall be 50 percent.

SEC. 805. LAKE PONTCHARTRAIN, LOUISIANA.

Flood control.

79 Stat. 1074.

Subject to section 903(b) of this Act, the hurricane-flood protection project for Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298) is modified to provide that the Secretary is authorized to construct features, such as a flood wall with sluice gates or other means, at a total cost of $3,500,000, with an estimated first Federal cost of $2,275,000 and an estimated first non-Federal cost of $1,225,000, to ensure that, by the most economical means, the level of protection within Jefferson Parish provided by the hurricane-flood protection project will be unimpaired as the result of any pumping station constructed by local interests. Requirements for non-Federal cooperation for the additional work authorized by this section shall be on the same basis as levee improvements for hurricane-flood protection on this project.

SEC. 806. REELFOOT LAKE, KENTUCKY.

42 USC 1962d-5.

The project for Reelfoot Lake, Lake numbered 9, Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89–298), is modified to provide that the Federal share of the cost of operating the pumping plant feature of such project shall be 50 percent.

SEC. 807. YAQUINA BAY AND HARBOR, OREGON.

33 USC 551.

Subject to section 903(a) of this Act, the Yaquina Bay and Harbor project, Oregon, authorized by the River and Harbor Act approved March 2, 1919, is modified to authorize the Secretary to raise the south jetty to protect vehicular access which was provided at non-Federal cost and to protect public use areas on accreted land adjacent to the south jetty, from damaging effects of overtopping of the jetty, on condition that local interests provide the necessary lands, easements, and rights-of-way for such modification, at a total cost of $4,700,000, with an estimated first Federal cost of $2,350,000 and an estimated first non-Federal cost of $2,350,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

100 STAT. 4168

SEC. 808. SOUTH PLATTE RIVER BASIN, COLORADO.

Flood control.
Conservation.
Agriculture and agricultural commodities.
Fish and fishing.

The project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175) is modified to authorize the Secretary, upon request of and in coordination with the Colorado Department of Natural Resources and upon the Chief of Engineers' finding of feasibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-Federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Secretary determines appropriate.

43 USC 390b.
16 USC 460*l*-12 note.

SEC. 809. KING HARBOR, REDONDO BEACH, CALIFORNIA.

64 Stat. 163.

The project for King Harbor, Redondo Beach, California, authorized in the River and Harbor Act of 1950, is modified to provide that—

(1) the Secretary is authorized to carry out maintenance dredging;

Reports.

(2) if recommended in a report of the Chief of Engineers, the Secretary is authorized to construct the breakwaters to a height of 22 feet and maintain the breakwaters at such height, in accordance with such report; and

(3) the Secretary is authorized to carry out planning, engineering, and design for a project to raise the breakwater to a height greater than 22 feet.

The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 810. HONOLULU HARBOR, HAWAII.

The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 percent of the estimated first cost of the general navigation facilities for the project, ascribed to land enhancement through disposition of dredged material.

SEC. 811. SANTA CRUZ HARBOR, SANTA CRUZ, CALIFORNIA.

72 Stat. 297.

(a) Subject to section 903(a) of this Act, the navigation project for Santa Cruz Harbor, Santa Cruz, California, authorized in section 101 of the River and Harbor Act of 1958 (Public Law 85-500) is modified to authorize the Secretary to seal the east jetty of such harbor to prevent sand from passing through, at a total cost of $4,000,000, with an estimated first Federal cost of $3,000,000 and an estimated first non-Federal cost of $1,000,000.

Study.
Reports.

Appropriation authorization.

(b) The Secretary shall conduct a feasibility study of the long-term solutions to the shoaling problems in Santa Cruz Harbor and shall report the results of such study, along with recommendations, to the Congress upon completion of such study. There is authorized to be appropriated $600,000 for fiscal years beginning after September 30, 1986, to carry out such study.

100 STAT. 4169

SEC. 812. MOUTH OF THE COLORADO RIVER, TEXAS.

The project for the mouth of the Colorado River, Texas, authorized pursuant to section 101 of the River and Harbor Act of 1968 (82 Stat. 732), is modified to provide that the diversion features of the authorized project, to divert Colorado River flows into Matagorda Bay, shall be constructed in accordance with the cost sharing described in section 906(e) for activities providing enhancement benefits to species identified as having national economic importance by the National Marine Fisheries Service. The non-Federal share of the cost of operation and maintenance of the modification shall be 25 percent in accordance with section 906(e). The Secretary is directed to construct the remaining navigation features and diversion features concurrently.

SEC. 813. ALABAMA-COOSA RIVER AND TRIBUTARIES, ALABAMA.

The comprehensive plan for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 10), as modified by Public Law 83-436, approved June 29, 1954 (68 Stat. 302), is further modified as follows: the plan for the Coosa River segment of the waterway between Montgomery and Gadsden, Alabama, is modified to authorize the Secretary to carry out planning, engineering, and design for a project generally in accordance with the plans contained in the report of the District Engineer, Mobile District, entitled "Montgomery to Gadsden, Coosa River Channel, Alabama, Design Memorandum No. 1, General Design", dated May 1982.

SEC. 814. LAFARGE DAM, KICKAPOO RIVER, WISCONSIN.

Flood control.

76 Stat. 1180.

33 USC 701s.

(a) The LaFarge Dam project for flood control and allied purposes for the Kickapoo River, Wisconsin, authorized by the Flood Control Act of 1962, is modified to authorize and direct the Secretary to construct as soon as possible under section 205 of the Flood Control Act of 1948, the flood control levee, channel improvement, and interior drainage facilities for Gays Mills, Wisconsin, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 450, Eighty-seventh Congress, at a total cost of $5,000,000, with an estimated first Federal cost of

$3,750,000 and an estimated first non-Federal cost of $1,250,000. Benefits and costs resulting from construction of such project features shall continue to be included for purposes of determining the economic feasibility of completing the partially constructed LaFarge Dam.

(b) The Secretary is authorized and directed to complete as soon as possible a reconnaissance study under section 205 of the Flood Control Act of 1948 with respect to such structural and nonstructural measures as the Secretary determines are necessary and appropriate to prevent flood damage in the vicinity of Viola, Wisconsin.

SEC. 815. WINONA, MINNESOTA.

Bridges.
42 USC 1962d-5.

The project for flood protection at Winona, Minnesota, authorized under the provisions of section 201 of the Flood Control Act of 1965, is modified to provide that the non-Federal share of the cost of changes to two bridges within the limits of the city of Winona, Minnesota, made necessary by the project and its present plan of protection shall be 50 percent, at a total cost of $630,000, with an estimated first Federal cost of $315,000 and an estimated first non-Federal cost of $315,000.

100 STAT. 4170

SEC. 816. LITTLE CALUMET RIVER.

87 Stat. 30.

(a) Subsection (a) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and thereafter to maintain such channel free of such trees, roots, silt, debris, and objects, at a total cost of $10,000,000, with an estimated first Federal cost of $5,000,000 and an estimated first non-Federal cost of $5,000,000.".

87 Stat. 31.

(b) Subsection (b) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at end thereof the following new sentence: "Non-Federal interests shall pay 50 percent of the cost of maintaining the channel free of such trees, roots, silt, debris, and objects.".

SEC. 817. NORTH BRANCH CHICAGO RIVER.

Contracts.

The second sentence of subsection (b) of section 116 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended to read as follows: "The Secretary of the Army shall, before beginning any operation to maintain the channel authorized by this section, enter into a separate agreement with the appropriate non-Federal interests which is applicable only to that operation and which requires such non-Federal interests to pay 50 percent of the cost of such maintenance operation.".

SEC. 818. BRAZOS RIVER BASIN, TEXAS.

The second paragraph under the center heading "BRAZOS RIVER BASIN" in section 10 of the Flood Control Act of 1946 (60 Stat. 649), is amended by inserting "or water supply" after "irrigation".

SEC. 819. HOUSTON SHIP CHANNEL, TEXAS.

33 USC 577.

The project for navigation at the Houston Ship Channel (Greens Bayou), Texas, authorized pursuant to section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), the project for navigation at the Houston Ship Channel (Barbour Terminal Channel), Texas, authorized pursuant to section 107 of the River and Harbor Act of 1960 (74 Stat. 486), and the project for navigation at the Houston Ship Channel (Bayport Ship Channel), Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), are modified to authorize and direct the Secretary to assume responsibility for maintenance to forty-foot project depths, as constructed by non-Federal interests prior to enactment of this Act.

SEC. 820. RIO GRANDE BANK PROTECTION, TEXAS.

(a) Bank protection activities conducted under the Rio Grande bank protection project pursuant to the First Deficiency Appropriation Act, 1945, approved April 25, 1945 (59 Stat. 89), may be undertaken in Starr County, Texas, notwithstanding any provision of such Act establishing the counties in which such bank protection activities may be undertaken.

(b) Any bank protection activity undertaken in Starr County, Texas, pursuant to subsection (a) of this section shall be—

(1) in accordance with such specifications as may be prepared for such purpose by the International Boundary and Water Commission, United States and Mexico; and Mexico.

(2) except as provided in subsection (a), subject to the terms and conditions generally applicable to activities conducted under the Rio Grande bank protection project.

SEC. 821. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

The project for the Anacostia River and tributaries, District of Columbia and Maryland, approved under authority of section 205 of the Flood Control Act of 1948, is modified to authorize the Secretary to carry out planning, engineering, and design to prevent damage to the project caused by the one hundred-year flood, including, but not limited to, replacing riprap, removing sediment deposits, shaping and sodding slopes, and seeding, at a total cost of $250,000. 33 USC 701s.

SEC. 822. YAZOO RIVER, MISSISSIPPI.

Bridges. 82 Stat. 731.

The navigation project for Yazoo River, Mississippi, authorized by the River and Harbor Act of 1968, is modified to provide that the Federal share of the cost of the alteration of the Shepardstown Bridge (mile 147.8) shall be 50 percent, at a total cost of $3,800,000, with an estimated first Federal cost of $1,900,000 and an estimated first non-Federal cost of $1,900,000.

SEC. 823. CORTE MADERA CREEK, MARIN COUNTY, CALIFORNIA.

Flood control. 76 Stat. 1180.

The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is modified to authorize and direct the Secretary to construct the project for unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake Boulevard, substantially in accordance with the plan, dated February 1977, on file in the office of the San Francisco district engineer. The plan is further modified to authorize and direct the Secretary to construct such flood-proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. The project is further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard.

SEC. 824. TECHE-VERMILION BASINS, LOUISIANA.

Bridges. 33 USC 701c note.

The project for improvement of the Mississippi River below Cape Girardeau with respect to the Teche-Vermilion Basins, Louisiana, authorized in the Flood Control Act of 1966, is modified to require the Secretary to relocate the Highway 71 bridge required to be relocated by this project or, at his discretion, to reimburse local interests for the Federal share of the cost of such relocation carried out by them, at a total cost of $1,200,000, with an estimated first Federal cost of $600,000 and an estimated first non-Federal cost of $600,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 825. LEWISVILLE LAKE, TEXAS.

Subject to section 903(a) of this Act, the project for Lewisville Lake, Texas, authorized by the River and Harbor Act approved March 2, 1945, is modified to authorize and direct the Secretary to 33 USC 603a.

take such actions as may be necessary to insure that approximately four thousand feet, including bridges and approaches, of the road crossing Cottonwood Branch of Lewisville Lake, Texas, formerly designated State Highway 24T, will be above elevation five hundred and thirty-two feet above mean sea level, at a total cost of $3,000,000, with an estimated first Federal cost of $1,500,000 and an estimated first non-Federal cost of $1,500,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish, without cost to the United States, lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to accept all such work thereafter for operation and maintenance. The non-Federal share of the cost of the work authorized by this section shall be 50 percent

100 STAT. 4172

SEC. 826. DARDANELLE LOCK AND DAM, ARKANSAS.

Bridges.

60 Stat. 634.

Subject to section 903(a) of this Act, the project for Dardanelle Lock and Dam, Arkansas, authorized by the River and Harbor Act approved July 24, 1946, is modified to authorize and direct the Secretary to take such action as may be necessary to replace the existing bridge across Cane Creek, Logan County, Arkansas, with a new bridge, at a total cost of $2,000,000, with an estimated first Federal cost of $1,000,000 and an estimated first non-Federal cost of $1,000,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 827. SUSQUEHANNA RIVER AT SUNBURY, PENNSYLVANIA.

33 USC 701a.
33 USC 701b.

The project for flood protection on the Susquehanna River at Sunbury, Pennsylvania, authorized by the Flood Control Act of 1936, as modified by the Flood Control Act of 1941, is modified to authorize and direct the Secretary to permanently seal the closure structure at the abandoned Reading Railroad site, at a total cost of $75,000, with an estimated first Federal cost of $56,000 and an estimated first non-Federal cost of $19,000. Cost sharing applicable to flood control projects shall apply to the project under this section.

SEC. 828. HUDSON RIVER, NEW YORK CITY TO WATERFORD.

61 Stat. 866.

The project for the Hudson River, New York; New York City to Waterford, authorized by the Act of June 25, 1910 (Public Law 318, Sixty-first Congress), is modified to authorize the Secretary, if recommended in a report of the Chief of Engineers, to remove shoals between the mouth of Roeliff Jansen Kill, Columbia County, New York, and the present navigation channel and to place such removed material at an appropriate site designated by the State of New York, in accordance with such report, at a total cost of $150,000, with an estimated first Federal cost of $113,000 and an estimated first non-Federal cost of $37,000.

SEC. 829. SAN LORENZO RIVER, SANTA CRUZ COUNTY, CALIFORNIA.

Flood control.
33 USC 701c note.

The flood control project for the San Lorenzo River, Santa Cruz County, California, authorized by the Flood Control Act of 1954, is modified to authorize and direct the Secretary to carry out planning, engineering, and design for a project to dredge the San Lorenzo River to provide flood protection to Santa Cruz, California, and surrounding areas, at a total cost of $1,350,000.

100 STAT. 4173

SEC. 830. COLUSA TROUGH DRAINAGE CANAL, SACRAMENTO RIVER AND TRIBUTARIES, CALIFORNIA.

Subject to section 903(a) of this Act, the project for flood protection along the Sacramento River and its tributaries, California, authorized by the Flood Control Act of 1917, is modified to authorize and direct the Secretary to accomplish remedial construction necessary to restore the project flood control levees along the Colusa Trough Drainage Canal and the Knights Landing Ridge Cut, in accordance with such report, at a total cost of $11,000,000, with an estimated first Federal cost of $8,250,000 and an estimated first non-Federal cost of $2,750,000.

33 USC 702.

SEC. 831. GREAT EGG HARBOR, CORSON, AND TOWNSEND INLETS, NEW JERSEY.

The following water resources development projects are modified to authorize the Secretary, if recommended in a report of the Chief of Engineers, to construct the beach erosion control, storm protection, or navigation feature of the project separately or in combination with the other such features, in accordance with such report:

(1) Great Egg Harbor Inlet and Peck Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965 (79 Stat. 1073, 1074).

42 USC 1962d–5.

(2) Corson Inlet and Ludlam Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(3) Townsend Inlet and Seven Mile Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 832. APALACHICOLA-CHATTAHOOCHEE-FLINT RIVERS, GEORGIA AND FLORIDA.

Subject to section 903(b) of this Act, the project for the Apalachicola-Chattahoochee-Flint Rivers, Georgia and Florida, authorized in section 2 of the River and Harbor Act of 1945 (Public Law 79–14; 59 Stat. 10) is modified to authorize the Secretary—

(1) in the course of routine maintenance dredging, to restore and maintain access (in the interest of navigation and ecological restoration) to bendways and interconnecting waterways, including the upper and lower inlets to Poloway cutoff, isolated during construction and maintenance activities by the Federal Government; and

(2) to acquire lands for and to construct, operate, and maintain water-related public use and access facilities along and adjacent to the Apalachicola River downstream of Jim Woodruff lock and dam to Apalachicola, Florida, except that the Secretary shall proceed with the acquisition of lands for the construction of water-related public use and access facilities and the operation and maintenance of such facilities at not more than one area within each county bordering the Apalachicola River;

at a total cost of $4,400,000, with an estimated first Federal cost of $2,950,000 and an estimated first non-Federal cost of $1,450,000.

100 STAT. 4174

SEC. 833. MILK RIVER, HAVRE, MONTANA.

Subject to section 903(b) of this Act, the project on Milk River for local flood protection at Havre, Montana, authorized by section 10 of the Flood Control Act approved December 22, 1944 (58 Stat. 897), is modified to authorize the Secretary to reconstruct or replace, whichever the Chief of Engineers determines necessary and appropriate, the water supply intake weir of the city of Havre, Montana, at a total cost of $1,400,000.

SEC. 834. CURWENSVILLE LAKE, PENNSYLVANIA.

33 USC 701c note.

The project for Curwensville Lake, Pennsylvania, authorized by the Flood Control Act of 1954 is hereby modified to authorize the Secretary to construct a water line with pumps from the Pike Township Water Authority to the Bloomington holding tank in order to provide water for municipal use to the town of Bloomington, Pennsylvania, at a total cost of $300,000, with an estimated first Federal cost of $225,000 and an estimated first non-Federal cost of $75,000. The non-Federal share of the cost of such project shall be 25 percent.

SEC. 835. WATERLOO, IOWA.

Flood control.
Bridges.
79 Stat. 1074.

The project for flood protection, Waterloo, Iowa, authorized by section 204 of the Flood Control Act of 1965 is modified to provide for the reconstruction of the bridge on United States Highway 20 and the Lafayette Street bridge which are required as a result of the Blowers Creek phase of the project a total cost of $2,250,000, with an estimated first Federal cost of $1,125,000 and an estimated first non-Federal cost of $1,125,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 836. MUD LAKE, WESTERN TENNESSEE TRIBUTARIES.

Kentucky.

42 USC 1962d-5.

The Mud Lake feature of the project for the western Tennessee tributaries, Tennessee and Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is modified to provide that the requirements of local cooperation shall be (1) 50 percent of the value of the lands, easements, and rights-of-way, (2) to hold and save the United States free from damages due to the construction works, and (3) to maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary.

SEC. 837. KAWKAWLIN RIVER, MICHIGAN.

Flood control.

33 USC 701s.

The project for flood control on the Kawkawlin River, Michigan, authorized under the authority of section 205 of the Flood Control Act of 1948, is modified to provide that the Federal share of the cost of operation and maintenance of the project shall be 50 percent.

SEC. 838. DENISON DAM (LAKE TEXOMA), RED RIVER, TEXAS AND OKLAHOMA.

Energy.

(a) The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938 (52 Stat. 1219), is modified to provide that the Secretary is authorized to reallocate from hydropower storage to water supply storage, in increments as needed, up to an additional 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Texas and up to 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Oklahoma.

100 STAT. 4175

Contracts.

(b) For that portion of the water storage reserved for users in the State of Oklahoma, the Secretary may contract, in increments as needed, with qualified individuals, entities, or water utility systems for use within the Red River Basin; except that for any portion of that water to be utilized outside the Red River Basin, the Secretary shall contract with the RedArk Development Authority.

Contracts.

(c) For that portion of the water storage reserved for users in the State of Texas, the Secretary shall contract, in increments as needed, for 50,000 acre-feet with the Greater Texoma Utility Authority and 100,000 acre-feet with other qualified individuals, entities, or water utility systems. Nothing in the preceding sentence shall supersede any requirement of State law with respect to the use of any water subject to a contract.

Contracts.

(d)(1) All contracts entered into by the Secretary under this section shall be under terms in accordance with section 301(b) of the Water Supply Act of 1958 (Public Law 85-500), as amended by section 932 of this Act.

43 USC 390b note.

(2) No payment shall be required from and no interest shall be charged to users in the States of Oklahoma or Texas for the reallocation authorized by this section until such time as the water supply storage reserved under such reallocation is actually first used. Any contract entered into for the use of the water received under this section shall require the contracting entity to begin principal and interest payments on that portion of the water allocated under the contract at the time the entity begins the use of such water. Until such time, storage for which reallocation is authorized in this section may be used for hydropower production.

(3) With respect to any water supply contract entered into by the Secretary under this section after June 1, 1985, the Secretary shall determine (A) the amount of hydropower lost, if any, as a result of the implementation of such contract, and (B) the replacement cost of the hydropower lost (where replacement cost is defined as the cost to purchase power from existing alternative sources). If hydropower is lost as a result of the implementation of such contract, the Secretary shall provide credits to the Southwestern Power Administration of amounts equal to such replacement costs. Such credits shall be against sums required to be paid by the Southwestern Power Administration for costs of the project allocated to hydropower. In each such case the Southwestern Power Administration shall reimburse each preference customer for an amount equal to the customer's actual replacement cost for hydropower lost as a result of the implementation of such contract, less the cost such customer would have had to pay to the Southwestern Power Administration for such hydropower.

(4) The Secretary may not increase payments of water users under a water supply contract under this section on account of the credits and reimbursement required to be provided under this section.

Arkansas. Louisiana.

(e) Nothing in this section shall be construed as amending or altering in any way the Red River Compact. In consideration of benefits in connection with such reallocation and usage of municipal, industrial, and agricultural water, all benefits that can be assigned to the Red River chloride control project, Texas and Oklahoma, or the Red River and tributaries multipurpose study, Oklahoma, Texas, Arkansas, and Louisiana, and any individual projects arising from such study, shall be reserved for such projects. Nothing in this section shall affect water rights under the laws of the States of Texas and Oklahoma.

100 STAT. 4176

(f) Such project is further modified to include recreation as a project purpose.

SEC. 839. BUFFALO SHIP CANAL, BUFFALO, NEW YORK.

Subject to section 903(a) of this Act, the navigation project for Buffalo Ship Canal, Buffalo, New York, authorized by the River and Harbor Act of March 2, 1945, is modified to authorize and direct the Secretary to take such actions as may be necessary to construct a high-lift span bridge in the vicinity of the Coast Guard station, approximately 3,600 feet north of South Michigan Avenue, over the ship channel, at a total cost of $18,000,000, with an estimated first Federal cost of $9,000,000 and an estimated first non-Federal cost of $9,000,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

33 USC 544b, 603a.

SEC. 840. JACKSON HOLE SNAKE RIVER, WYOMING.

The project for Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbors Act of 1950 (Public Law 81-516), is modified to provide that the operation and maintenance of the project, and additions and modifications thereto constructed by non-Federal sponsors, shall be the responsibility of the Secretary: *Provided,* That non-Federal sponsors shall pay the

33 USC 534, 574 note.

initial $35,000 in cash or materials of any such cost expended in any one year, plus inflation as of the date of enactment of this Act.

SEC. 841. NEWPORT BAY HARBOR, CALIFORNIA.

Subject to section 903(b) of this Act, the project for navigation for Newport Bay Harbor, Orange County, California, authorized by the River and Harbor Act approved August 26, 1937 (50 Stat. 849), and section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is modified to authorize the Secretary to dredge and maintain a 250-foot wide channel in the Upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth of 15 feet mean lower low water, and to deepen the channel in the existing project below the Pacific Coast Highway bridge to a depth of 15 feet mean lower low water, at a total cost of $3,500,000, with an estimated first Federal cost of $3,150,000 and an estimated first non-Federal cost of $350,000.

SEC. 842. SOUTH PLATTE RIVER BASIN, COLORADO.

Flood control.

The project for flood control and other purposes in the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is modified to provide that the Chatfield Dam and any other authorized Federal improvements in the South Platte River Basin shall be operated in a manner that achieves the authorized level of flood protection, as determined by the Secretary, for the area beginning at the Chatfield Dam and ending at a point 82 miles downstream.

SEC. 843. BEAVER LAKE, ARKANSAS.

68 Stat. 1256.

100 STAT. 4177

Subject to section 903(a) of this Act, the multipurpose project at Beaver Lake, Arkansas, authorized by the Flood Control Act of 1954, is modified to authorize and direct the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and in consultation with appropriate State and local agencies, to conduct a one-year comprehensive study of the Beaver Lake reservoir to identify measures which will optimize achievement of the project's purposes while preserving and enhancing the quality of the reservoir's water. Upon completion of the study the Secretary shall undertake a project at Beaver Lake to determine the effectiveness of measures identified in such study for preserving and enhancing the quality of the reservoir's water for current and future users, at a total cost of $5,100,000, with an estimated first Federal cost of $3,825,000 and an estimated first non-Federal cost of $1,275,000. The non-Federal share of the cost of the modification authorized by this section shall be 25 percent.

SEC. 844. MISSISSIPPI RIVER-GULF OUTLET.

(a) Subject to section 903(a) of this Act, the Mississippi River-Gulf outlet feature of the project for Mississippi River, Baton Rouge to Gulf of Mexico, authorized by the Act of March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65), is modified to provide that the replacement and expansion of the existing industrial canal lock and connecting channels or the construction of an additional lock and connecting channels shall be in the area of the existing lock or at the Violet site, at a total cost of $714,300,000. Before selecting the site under the preceding sentence, the Secretary shall consult with affected local communities. The costs of such modification shall be allocated between general cargo navigation and inland navigation, based on use patterns determined by the Secretary. Of the costs allocated to inland navigation, one-half of the Federal costs shall be paid from the Inland Waterways Trust Fund and one-half of the Federal costs shall be paid from the General Fund of the Treasury. With respect to the costs allocated to general cargo navigation, cost sharing provided in section 101 shall apply.

Minorities.

(b) The Secretary is directed to make a maximum effort to assure the full participation of members of minority groups, living in the affected areas, in the construction of the replacement or additional lock and connecting channels authorized by subsection (a) of this section, including actions to encourage the use, wherever possible, of minority-owned firms. The Secretary is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

Reports.

SEC. 845. SAGINAW RIVER, MICHIGAN.

33 USC 701b-8a.

The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85-500), is modified (1) to provide that the Secretary shall first construct the Flint and Shiawassee Rivers portion of the Shiawassee Flats unit of such project and that such construction shall begin, with available funds, during fiscal year 1987 and (2) to authorize the Secretary to reconstruct or relocate, whichever the Secretary determines is necessary, the Curtis Road Bridge, at a total cost of $626,000, with an estimated first Federal cost of $313,000 and an estimated first non-Federal cost of $313,000. The non-Federal share of the cost of the work authorized by the preceding sentence shall be 50 percent. The Secretary is also authorized to carry out planning, engineering, and design of measures to alleviate project-induced flood damages to areas outside the project area and such channelization measures in the Shiawassee Flats unit as the Secretary determines necessary for flood control purposes.

100 STAT. 4178

SEC. 846. BRUNSWICK HARBOR, GEORGIA.

33 USC 534, 574 note.

The navigation project for Brunswick Harbor, Georgia, authorized by the River and Harbor Act of 1950, is modified to incorporate the Georgia Ports Authority's 30-foot-deep by 300-foot-wide by 8,000-foot-long channel in the South Brunswick River serving Colonel's Island terminal facilities.

SEC. 847. HANSEN DAM, LOS ANGELES AND SAN GABRIEL RIVERS, CALIFORNIA.

Flood control.
Contracts.

(a) The Hansen Dam project authorized as part of the flood control project for the Los Angeles and San Gabriel Rivers, California, by section 5 of the Flood Control Act approved June 22, 1936 (49 Stat. 1589), is modified to authorize the Secretary to contract for the removal and sale of dredged material from the flood control basin for Hansen Dam, Los Angeles County, California, for the purposes of facilitating flood control, recreation, and water conservation. All funds received by the Secretary from the removal and sale of such dredged material shall be deposited in the General Fund of the Treasury.

Appropriation authorization.

(b) There is authorized to be appropriated for fiscal years beginning after September 30, 1986, an amount not to exceed the amount of funds received by the Secretary from the removal and sale of dredged material under subsection (a). Amounts appropriated under this subsection shall be available to the Secretary—

(1) to construct, operate, and maintain recreational facilities at the Hansen Dam project; and

(2) to the extent consistent with other authorized project purposes, to facilitate water conservation and ground water recharge measures at the Hansen Dam project in coordination with the city of Los Angeles, California, and the Los Angeles County Flood Control District;

at full Federal expense.

SEC. 848. DUNKIRK HARBOR, NEW YORK.

Subject to section 903(a) of this Act, the project for navigation, Dunkirk Harbor, New York, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on

42 USC 1962d-5.

Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971, is modified to authorize the Secretary to include dredging and maintenance of the eastern inner harbor of such project in accordance with such plans as the Secretary, in consultation with appropriate non-Federal interests, may develop, at a total cost of $4,600,000, with an estimated first Federal cost of $2,300,000 and an estimated first non-Federal cost of $2,300,000.

SEC. 849. KALIHI CHANNEL, HONOLULU HARBOR, HAWAII.

68 Stat 1248.

(a) The project for navigation for Honolulu Harbor, Hawaii, authorized by section 101 of the River and Harbor Act of 1954, is modified to authorize and direct the Secretary to maintain a 23-foot project depth in the Kalihi Channel portion of such project.

(b) The consent of Congress is given to the State of Hawaii to construct, operate, and maintain a fixed-span bridge in and over the

100 STAT. 4179

water of the Kalihi Channel, Honolulu Harbor, Hawaii.

SEC. 850. BAYOU LAFOURCHE, LOUISIANA.

33 USC 540.

The project for navigation, Bayou Lafourche and Lafourche-Jump Waterway, Louisiana, authorized by the River and Harbor Act of August 30, 1935, is modified to authorize the Secretary to carry out planning, engineering, and design for a project for the maintenance by the Secretary of a channel 30 feet deep from mile minus 2 to mile 0 in Belle Pass and of a channel 24 feet deep from mile 0 to mile 4 in Bayou Lafourche. The Secretary is authorized and directed to study the feasibility of deepening the channel from mile 0 to mile 4 in Bayou Lafourche to 30 feet. The Secretary shall report the results of such study with recommendations to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Reports.

SEC. 851. NOYO, MENDOCINO COUNTY, CALIFORNIA.

(a) The project for harbor improvement at Noyo, Mendocino County, California, authorized by the River and Harbor Act of 1962 (76 Stat. 1173), is modified to provide that the non-Federal interests shall contribute 50 percent of the cost of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor.

(b) If, in lieu of diked disposal, the Secretary determines ocean disposal is necessary to carry out the project, the Federal share of the cost of such ocean disposal shall be 100 percent.

SEC. 852. ENDICOTT, JOHNSON CITY, AND VESTAL, NEW YORK.

Flood control.

68 Stat. 1256.

Subject to section 903(a), the project for flood control, Endicott, Johnson City, and Vestal, New York, authorized by the Flood Control Act of 1954, is modified to authorize the Secretary to undertake such measures as may be necessary to correct erosion problems affecting the levee at Vestal, New York, and to perform necessary work to protect the levee and restore it to its design condition, at a total cost of $700,000, with an estimated first Federal cost of $525,000 and an estimated first non-Federal cost of $175,000. The non-Federal share of the cost of such measures and work shall be determined under section 103 of this Act.

SEC. 853. CAMBRIDGE CREEK, MARYLAND.

The project for navigation, Cambridge Creek, Maryland, is modified to authorize and direct the Secretary to narrow the channel in the existing project, as determined necessary by the Secretary for the purpose of enhancing economic development in the area of such creek.

SEC. 854. SANDY HOOK TO BARNEGAT INLET, NEW JERSEY.

(a) Subject to section 903(a) of this Act, the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that the first Federal construction increment of the Ocean Township to Sandy Hook reach of such project shall consist of a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Branch, at a total cost of $40,000,000, with an estimated first Federal cost of $21,200,000 and an estimated first non-Federal cost of $18,800,000. 72 Stat. 297.

(b) The non-Federal share of the cost of construction and maintenance of the Ocean Township to Sandy Hook reach of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, shall consist of amounts expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth Beach, New Jersey.

100 STAT. 4180

(c) Before initiation of construction of any increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, non-Federal interests shall agree to provide public access to the beach for which such increment of the project is authorized in accordance with all requirements of State law and regulations.

SEC. 855. TAYLORSVILLE LAKE, KENTUCKY.

The project for flood control, Taylorsville Lake, Kentucky, authorized by the Flood Control Act of 1956, is modified to authorize and direct the Secretary to replace the Floyd's Fork Bridge on Routt Road, Jefferson County, Kentucky, in order to provide improved access to the project, at a total cost of $750,000, with an estimated first Federal cost of $375,000 and an estimated first non-Federal cost of $375,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

SEC. 856. LOWER SNAKE RIVER.

The project for the Lower Snake River Fish and Wildlife Compensation Plan, authorized by the Water Resources Development Act of 1976, is modified in accordance with the recommendations contained in the report of the Chief of Engineers, dated March 6, 1985, at a total cost of $177,000,000, with a first Federal cost of $177,000,000. 90 Stat. 2917.

SEC. 857. ILLINOIS RIVER AT PEORIA, ILLINOIS.

The project for navigation, Illinois River at Peoria, Illinois, authorized by the River and Harbor Act of 1946, is modified to provide for the inclusion within the project an adjacent downstream water area of approximately 400 feet long by 200 feet wide developed by local interests for an enlarged small boat harbor, including Federal construction and maintenance of such area and an access channel to a depth of 7 feet, at a total cost of $50,000. The project features authorized by this section shall be carried out under section 107 of the River and Harbor Act of 1960. 60 Stat. 634. 33 USC 577.

SEC. 858. TAMPA HARBOR, FLORIDA.

The project for navigation for Tampa Harbor, Florida, authorized by the River and Harbor Act of 1970 is modified to authorize planning, engineering, and design for a project under section 107 of the River and Harbor Act of 1960 to widen the authorized Port Sutton Turning Basin an additional 105 feet to the fender line along Pendola Point, at a total cost of $900,000, with an estimated first Federal cost of $675,000 and an estimated first non-Federal cost of $225,000. 84 Stat. 1818.

SEC. 859. SALEM RIVER, NEW JERSEY.

Subject to section 903(b) of this Act, the project for navigation, Salem River, New Jersey, is modified to provide that the depth of such project shall be 20 feet.

SEC. 860. COLD SPRING INLET, NEW JERSEY.

The navigation project, Cold Spring Inlet, New Jersey, is modified to authorize the Secretary to carry out planning, engineering, and design for a project to increase the depth of the 2,000 foot reach of

100 STAT. 4181 the New Jersey Intracoastal Waterway in Cape May County to 15 feet.

SEC. 861. FORT PECK, MONTANA.

The project for navigation and power generation, Fort Peck, Montana, authorized by the Act entitled "An Act to authorize the completion, maintenance, and operation of the Fort Peck project for navigation, and for other purposes", approved May 18, 1938 (16 U.S.C. 833), shall include recreation as a purpose of such project.

SEC. 862. FISHTRAP LAKE, KENTUCKY.

The project for Fishtrap Lake, Pike County, Kentucky, authorized as part of the flood control project for the Ohio River Basin by section 4 of the Flood Control Act approved June 28, 1938 (52 Stat. 1217), is modified to authorize the Secretary, notwithstanding the completion of such project in 1968, to carry out planning, engineering, and design for a project (1) to acquire by purchase any property in the drainage area for Fishtrap Lake, Kentucky, which is being used as a residence and any property in such drainage area which is being used as a cemetery, and (2) to relocate the owners of any property so acquired and any cemetery so acquired.

SEC. 863. SABINE RIVER CHANNEL, TEXAS.

68 Stat. 1248.

The Sabine River channel of the Sabine-Neches Waterway, Texas, authorized by the River and Harbor Act of 1954, is modified to authorize the Secretary to carry out planning, engineering, and design for a project to extend such channel at a depth of 30 feet and a width of 200 feet, from its present upstream terminus opposite Green Avenue in Orange, Texas, generally following the present river alignment a distance of approximately one and one-quarter miles to a point opposite Little Cypress Bayou.

SEC. 864. CLARKS HILL RESERVOIR, SAVANNAH RIVER BASIN, GEORGIA.

Fish and fishing.
Wildlife.
58 Stat. 887.

The project for flood control, Clarks Hill Reservoir, Savannah River Basin, Georgia and South Carolina, authorized by the Flood Control Act approved December 22, 1944, is modified to include recreation and fish and wildlife management as project purposes. Project lands which are managed or reserved as of the date of the enactment of this section for the conservation, enhancement, or preservation of fish and wildlife and for recreation shall be considered as lands necessary for such purposes.

SEC. 865. CAPE CHARLES CITY HARBOR, VIRGINIA.

The project for navigation, Cape Charles City Harbor, Virginia, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 15), is modified to provide that the local interests shall not be required—

(1) to provide bulkheads, or

(2) to reserve berthing space for general public use,

along a greater distance of the shoreline than such bulkheads are provided or such berthing space is reserved on the date of the enactment of this Act.

SEC. 866. EAST CHESTER CREEK, NEW YORK.

64 Stat. 163.

The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950, is modified to provide that the Secretary, out of any amounts made available to the
100 STAT. 4182 Secretary for operation and maintenance of water resources projects, shall dredge within two years after the date of the enactment of this Act, and maintain thereafter, the Y-shaped portion of such project, at a total cost of $500,000, with an estimated first Federal cost of $450,000 and an estimated first non-Federal cost of $50,000.

SEC. 867. SAVANNAH HARBOR, GEORGIA.

79 Stat. 1089.

The project for navigation, Savannah Harbor, Georgia, authorized by the River and Harbor Act of 1965, is modified to authorize the

Secretary to carry out planning, engineering, and design for a project to remove drift and debris from the harbor as part of operation and maintenance.

SEC. 868. TACOMA HARBOR, WASHINGTON.

The city waterway navigation channel project, Tacoma Harbor, Washington, authorized by the first section of the River and Harbor Act of June 13, 1902 (32 Stat. 347), is modified to direct the Secretary to redefine the boundaries of such project in accordance with the recommendations contained in the report of the Chief of Engineers, dated May 3, 1983.

SEC. 869. DELAWARE COAST, CAPE HENLOPEN TO FENWICK ISLAND.

Flood control.

82 Stat. 739.

33 USC 426i.

Subject to section 903(a) of this Act, the project for hurricane-flood protection and beach erosion control along the Delaware Coast from Cape Henlopen to Fenwick Island at the Delaware-Maryland State Line, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483), is modified to authorize the construction of sand bypass facilities and stone revetment erosion control measures at Indian River Inlet, Delaware, as described in the General Design Memorandum and Environmental Assessment, dated November 1984, and approved by the Chief of Engineers in January 1986, at a total cost of $4,000,000, with an estimated first Federal cost of $2,500,000 and an estimated first non-Federal cost of $1,500,000. Project costs shall be allocated under the terms of section 111 of the Flood Control Act of 1968 if that is determined by the Secretary to be appropriate.

SEC. 870. WINOOSKI RIVER, WATERBURY, VERMONT.

Flood control.

The Waterbury, Vermont, project in the Winooski River Basin, authorized for modification in section 10 of the Act of December 22, 1944 (58 Stat. 892), is further modified to provide that restoration to the concrete work on the dam shall be undertaken by the Secretary. Nothing in this section shall be construed as altering the conditions established in the Federal Power Commission license numbered 2090, issued on September 16, 1954. Cost sharing applicable to flood control projects shall apply to the work authorized by this section.

SEC. 871. RIO GRANDE FLOODWAY, NEW MEXICO.

62 Stat. 1175.
64 Stat. 163.

Subject to section 903(b) of this Act, the project for flood protection for the Rio Grande Floodway, Truth or Consequences Unit, New Mexico, authorized by the Flood Control Acts of 1948 and 1950, is modified to provide that the Secretary is authorized to construct a flood control dam on Cuchillo Negro Creek, a tributary of the Rio Grande, in lieu of the authorized floodway.

SEC. 872. CONNECTICUT RIVER BASIN.

Flood control.
Vermont.
New Hampshire.
Massachusetts.
Fish and fishing.

(a) Subject to section 903(a) of this Act, the comprehensive plan for the control of floodwaters in the Connecticut River Basin, Vermont, New Hampshire, Massachusetts, and Connecticut, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1572), is modified to authorize and direct the Secretary to design, construct, operate, and maintain facilities at Townshend Dam, West River, Vermont, to enable upstream migrant adult Atlantic salmon to bypass that dam and Ball Mountain Dam, Vermont, and to provide at both Townshend and Ball Mountain Dams facilities as necessary for the downstream passage of juvenile Atlantic salmon, at a total cost of $1,000,000, with a first Federal cost of $1,000,000.

(b) Prior to construction of the work authorized by this section, non-Federal interests shall agree to hold and save the United States harmless for any damages incurred in the construction and operation of such fish-passage facilities, and provide all lands, easements, rights-of-way, and relocations as may be reasonably necessary for the construction and operation of the fish-passage facilities.

TITLE IX—GENERAL PROVISIONS

SEC. 901. ANNUAL OBLIGATION CEILINGS.

Notwithstanding any other provision of law, the Secretary shall, from funds appropriated, obligate no sums in excess of the sums specified in this title for the combined purpose of the "Construction, General" account and the construction component of the "Flood Control, Mississippi River and Tributaries" account:

(1) For the fiscal year ending September 30, 1987, the sum of $1,400,000,000.

(2) For the fiscal year ending September 30, 1988, the sum of $1,500,000,000.

(3) For the fiscal year ending September 30, 1989, the sum of $1,600,000,000.

(4) For the fiscal year ending September 30, 1990, the sum of $1,700,000,000.

(5) For the fiscal year ending September 30, 1991, the sum of $1,800,000,000.

Nothing contained herein limits or otherwise amends authority conferred under section 10 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U.S.C. 621). Any amounts obligated against funds furnished or reimbursed during each such fiscal year by other Federal agencies or non-Federal interests shall not be counted against the limitation on obligations provided for in this Act.

SEC. 902. MAXIMUM COST OF PROJECTS.

In order to insure against cost overruns, each total cost set forth in this Act, or an amendment made by this Act, for a project shall be the maximum cost of that project, except that such maximum amount—

(1) may be increased by the Secretary for modifications which do not materially alter the scope or functions of the project as authorized, but not by more than 20 percent of the total cost stated for the project in this Act or in an amendment made by this Act; and

(2) shall be automatically increased for—

(A) changes in construction costs applied to unconstructed features (including real property acquisitions, preconstruction studies, planning, engineering, and design) from the date of enactment of this Act (unless otherwise specified) as indicated by engineering and other appropriate cost indexes; and

100 STAT. 4184

(B) additional studies, modifications, and actions (including mitigation and other environmental actions) authorized by this Act or required by changes in Federal law.

SEC. 903. GENERAL REQUIREMENTS.

(a) PROCEDURE FOR CERTAIN PROJECTS AUTHORIZED FOR CONSTRUCTION.—(1) In the case of any project authorized for construction by this Act which is specifically made subject to this subsection, no construction may be commenced until the Secretary has reviewed and commented on such project and reported thereon to the Congress, or until 90 days have passed following the receipt of the proposed plan of the project from the Chief of Engineers, whichever first occurs.

(2) The Secretary shall review and comment on—

(A) at least one-third of the projects to which this subsection applies during the one-year period beginning on the date of enactment of this Act,

(B) at least two-thirds of such projects during the two-year period beginning on the date of enactment of this Act, and

(C) all of such projects during the three-year period beginning on the date of enactment of this Act.

(3) Any project to which this subsection applies on which the Secretary has not commented before the end of the 3-year period beginning on the date of enactment of this Act shall be deemed to have been approved by the Secretary for purposes of this subsection.

(b) PROCEDURE FOR PROJECTS AUTHORIZED FOR CONSTRUCTION SUBJECT TO A FAVORABLE REPORT.—Any project specifically made subject to this subsection is authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the report cited for such project, with such modifications as are recommended by the Chief of Engineers and approved by the Secretary, and with such other modifications as are recommended by the Secretary. If no report is cited for a project, the project is authorized to be prosecuted by the Secretary in accordance with a final report of the Chief of Engineers, and with such modifications as are recommended by the Secretary, and no construction on such project may be initiated until such a report is issued and approved by the Secretary.

Flood control.

(c) BENEFIT-COST RATIO WAIVER.—(1) In his recommendations for authorization of any project, or separable element, for flood control, the Secretary may include features that would not produce national economic development benefits greater than cost, if the non-Federal interests enter into a binding agreement requiring the non-Federal interests to pay during construction of the project or separable element an amount sufficient to make the remaining costs of that project or separable element equal to the estimated value of the national economic development benefits of that project or separable element.

(2) Non-Federal payments pursuant to paragraph (1) shall be in addition to payments required under section 103 of this Act which are applicable to the remaining costs of the project.

(d) OTHER REQUIREMENTS.—Sections 201 and 202 and the fourth sentence of section 203 of the Flood Control Act of 1968 shall apply to all projects authorized by this Act.

82 Stat. 739.

33 USC 2281.

Historic preservation.

SEC. 904. MATTERS TO BE ADDRESSED IN PLANNING.

Enhancing national economic development (including benefits to particular regions of the Nation not involving the transfer of economic activity to such regions from other regions), the quality of the total environment, the well-being of the people of the United States, the prevention of loss of life, and the preservation of cultural and historical values shall be addressed in the formulation and evaluation of water resources projects to be carried out by the Secretary, and the associated benefits and costs, both quantifiable and unquantifiable, shall be displayed in the benefits and costs of such projects.

33 USC 2282.

SEC. 905. FEASIBILITY REPORTS.

(a) In the case of any water resources project-related study authorized to be undertaken by the Secretary, the Secretary shall prepare a feasibility report, subject to section 105 of this Act. Such feasibility report shall describe, with reasonable certainty, the economic, environmental, and social benefits and detriments of the recommended plan and alternative plans considered by the Secretary and the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. The feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project, which project is authorized for construction by this Act and is not subject to section 903(b), (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), and (4) general studies not intended to lead to recommendation of a specific water resources project.

(b) Before initiating any feasibility study under subsection (a) of this section after the date of enactment of this Act, the Secretary shall first perform, at Federal expense, a reconnaissance study of the water resources problem in order to identify potential solutions to such problem in sufficient detail to enable the Secretary to determine whether or not planning to develop a project should proceed to the preparation of a feasibility report. Such reconnaissance study shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project, and an estimate of the costs of preparing the feasibility report. The duration of a reconnaissance study shall normally be no more than twelve months, but in all cases is to be limited to eighteen months.

(c) For purposes of studies undertaken pursuant to this section, the Secretary is authorized to consider benefits which may accrue to Indian tribes as a result of a project resulting from such a study.

Armed Forces.

(d) The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

33 USC 2283.

SEC. 906. FISH AND WILDLIFE MITIGATION.

(a)(1) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced as of the date of enactment of this Act, and which necessitates the mitigation of fish and wildlife losses, including the acquisition of lands or interests in lands to mitigate losses to fish and wildlife, as a result of such project, such mitigation, including acquisition of the lands or interests—

(A) shall be undertaken or acquired before any construction of the project (other than such acquisition) commences, or

(B) shall be undertaken or acquired concurrently with lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses),

whichever the Secretary determines is appropriate, except that any physical construction required for the purposes of mitigation may be undertaken concurrently with the physical construction of such project.

(2) For the purposes of this subsection, any project authorized before the date of enactment of this Act on which more than 50 percent of the land needed for the project, exclusive of mitigation lands, has been acquired shall be deemed to have commenced construction under this subsection.

(b)(1) After consultation with appropriate Federal and non-Federal agencies, the Secretary is authorized to mitigate damages to fish and wildlife resulting from any water resources project under his jurisdiction, whether completed, under construction, or to be constructed. Such mitigation may include the acquisition of lands, or interests therein, except that—

(A) acquisition under this paragraph shall not be by condemnation in the case of projects completed as of the date of enactment of this Act or on which at least 10 percent of the physical construction on the project has been completed as of the date of enactment of this Act; and

(B) acquisition of water, or interests therein, under this paragraph, shall not be by condemnation.

The Secretary, shall, under the terms of this paragraph, obligate no more than $30,000,000 in any fiscal year. With respect to any water resources project, the authority under this subsection shall not apply to measures that cost more than $7,500,000 or 10 percent of the cost of the project, whichever is greater.

Reports.

(2) Whenever, after his review, the Secretary determines that such mitigation features under this subsection are likely to require condemnation under subparagraph (A) or (B) of paragraph (1) of this subsection, the Secretary shall transmit to Congress a report on such proposed modification, together with his recommendations.

Contracts.

(c) Costs incurred after the date of enactment of this Act for implementation and operation, maintenance, and rehabilitation to mitigate damages to fish and wildlife shall be allocated among authorized project purposes in accordance with applicable cost allocation procedures, and shall be subject to cost sharing or reimbursement to the same extent as such other project costs are shared or reimbursed, except that when such costs are covered by contracts entered into prior to the date of enactment of this Act, such costs shall not be recovered without the consent of the non-Federal interests or until such contracts are complied with or renegotiated.

(d) After the date of enactment of this Act, the Secretary shall not submit any proposal for the authorization of any water resources project to the Congress unless such report contains (1) a recommendation with a specific plan to mitigate fish and wildlife losses created by such project, or (2) a determination by the Secretary that such project will have negligible adverse impact on fish and wildlife. Specific mitigation plans shall ensure that impacts to bottomland hardwood forests are mitigated in-kind, to the extent possible. In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies.

(e) In those cases when the Secretary, as part of any report to Congress, recommends activities to enhance fish and wildlife resources, the first costs of such enhancement shall be a Federal cost when—

(1) such enhancement provides benefits that are determined to be national, including benefits to species that are identified by the National Marine Fisheries Service as of national economic importance, species that are subject to treaties or international convention to which the United States is a party, and anadromous fish;

(2) such enhancement is designed to benefit species that have been listed as threatened or endangered by the Secretary of the Interior under the terms of the Endangered Species Act, as amended (16 U.S.C. 1531, et seq.), or

National Wildlife Refuge System.

(3) such activities are located on lands managed as a national wildlife refuge.

When benefits of enhancement do not qualify under the preceding sentence, 25 percent of such first costs of enhancement shall be provided by non-Federal interests under a schedule of reimbursement determined by the Secretary. The non-Federal share of operation, maintenance, and rehabilitation of activities to enhance fish and wildlife resources shall be 25 percent.

Louisiana. Mississippi.

(f) Fish and wildlife enhancement measures carried out as part of the project for Atchafalaya Floodway System, Louisiana, authorized

99 Stat. 293.
79 Stat. 1073.

by Public Law 99-88, and the project for Mississippi Delta Region, Louisiana, authorized by the Flood Control Act of 1965, shall be considered to provide benefits that are national for purposes of this section.

16 USC 661 note.

(g) The provisions of subsections (a), (b), and (d) shall be deemed to supplement the responsibility and authority of the Secretary pursuant to the Fish and Wildlife Coordination Act, and nothing in this section is intended to affect that Act.

100 STAT. 4188

33 USC 2284.

SEC. 907. BENEFITS AND COSTS ATTRIBUTABLE TO ENVIRONMENTAL MEASURES.

Fish and fishing.
Wildlife.

In the evaluation by the Secretary of benefits and costs of a water resources project, the benefits attributable to measures included in a project for the purpose of environmental quality, including improvement of the environment and fish and wildlife enhancement, shall be deemed to be at least equal to the costs of such measures.

33 USC 2285.

SEC. 908. MITIGATION FUND.

There is established an Environmental Protection and Mitigation Fund. There is authorized to be appropriated to such fund $35,000,000 for fiscal years beginning after September 30, 1986. Amounts in the fund shall be available for undertaking, in advance of construction of any water resources project authorized to be constructed by the Secretary, such measures authorized as part of such project, including the acquisition of lands and interests therein, as may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated. The Secretary shall reimburse the Fund for any amounts expended under this section for a water resources project from the first appropriations made for construction, including planning and designing, of such project.

SEC. 909. RIVER BASIN AUTHORIZATIONS.

(a) In addition to previous authorizations, there is authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin or project that is referred to below by name and date of basic authorization, such sums as are necessary for the Secretary to complete the comprehensive plan of development.

Basin	Act of Congress
Alabama-Coosa River Basin	March 2, 1945
Arkansas River Basin	June 28, 1938
Arkansas-Red River Basin	November 7, 1966
Baltimore Harbor	December 31, 1970
Blue River Basin	December 31, 1970
Brazos River Basin	September 3, 1954
Central and Southern Florida	June 30, 1948
Columbia River Basin	May 17, 1950
Connecticut River Basin	June 22, 1936
Cottonwood Creek, California	December 31, 1970
Gulf Intracoastal Waterway, St. Marks, Tampa	August 13, 1968
Mississippi River and Tributaries	May 15, 1928
Missouri River Basin	June 28, 1938
North Branch Susquehanna River Basin	July 3, 1958
Ohio River Basin	June 22, 1936
Ouachita River Basin	May 17, 1950
Red Run Drain and Lower Clinton River	December 31, 1970
Red River Waterway	August 13, 1968
Sabine River Basin	December 31, 1970
Sacramento River Basin	December 22, 1944
San Joaquin River Basin	December 22, 1944
Santa Ana River Basin	June 22, 1936
South Platte River Basin	May 17, 1950
Tampa Harbor	December 31, 1970
Trinity River Basin	October 27, 1965
Upper Mississippi River Basin	June 28, 1938
Wabash River Basin	August 13, 1968
White River Basin	June 28, 1938

(b) The sums authorized by this section include those necessary for the Secretary to complete local flood protection in the Columbia River Basin, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178).

SEC. 910. CONTINUED PLANNING AND INVESTIGATIONS.

33 USC 2287.

(a) After the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, and before authorization for construction of such project, the Chief of Engineers is authorized to undertake continued planning and engineering (other than preparation of plans and specifications) for such project if the Chief of Engineers finds that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations and the Chief of Engineers transmits to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a statement of such findings. In the one-year period after authorization for construction of such project, the Chief of Engineers is authorized to undertake planning, engineering, and design for such project.

Reports.

(b) Not later than January 15, 1987, and each January 15 thereafter, the Secretary shall prepare and transmit a report on the activities undertaken under this section in the preceding fiscal year to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) The authorization made by this section shall be in addition to any other authorizations for planning, engineering, and design of water resources development projects and shall not be construed as a limitation on any other such authorization.

SEC. 911. REVIEW OF COST EFFECTIVENESS OF DESIGN.

33 USC 2288.

During the design of each water resources project which has a total cost in excess of $10,000,000, which is authorized before, on, or after the date of enactment of this Act and undertaken by the Secretary, and on which construction has not been initiated as of the date of enactment of this Act, the Secretary shall require a review of the cost effectiveness of such design. The review shall employ cost control techniques which will ensure that such project is designed in the most cost-effective way for the life of the project.

SEC. 912. SECTION 221 AGREEMENTS.

42 USC 1962d–5b.

(a) Section 221(a) of the Flood Control Act of 1970 is amended—

(1) by inserting ", or an acceptable separable element thereof," after "water resources project", and by inserting "or the appropriate element of the project, as the case may be" after "for the project"; and

State and local governments.

(2) by adding at the end the following: "In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future State legislative appropriations for such performance and payment when obligating future appropriations would be inconsistent with State constitutional or statutory limitations.".

42 USC 1962d–5b note.

(b)(1) The Secretary may require compliance with any requirements pertaining to cooperation by non-Federal interests in carrying out any water resources project authorized before, on, or after the date of enactment of this Act.

(2) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing cooperation required under subsection (a), the Secretary shall issue an order requiring such non-Federal interest to provide

such cooperation. After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed $10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed $50,000.

42 USC 1962d-5b.

(3) Non-Federal interests shall be liable for interest on any payments required pursuant to section 221 of the Flood Control Act of 1970 that may fall delinquent. The interest rate to be charged on any such delinquent payment shall be at a rate, to be determined by the Secretary of the Treasury, equal to 150 percent of the average bond equivalent rate of the thirteen-week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional three-month period if the period of delinquency exceeds three months.

Claims.

(4) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for any violation of an order issued under this section, to collect a civil penalty imposed under this section, to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970, or to collect interest for which a non-Federal interest is liable under paragraph (3). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing business, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of any civil penalty imposed under this section, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

Flood control.

(5) The Secretary is authorized to determine that no funds appropriated for operation and maintenance, including operation and maintenance of the project for flood control, Mississippi River and Tributaries, are to be used for the particular benefit of projects within the jurisdiction of any non-Federal interest when such non-Federal interest is in arrears for more than twenty-four months in the payment of charges due under an agreement entered into with the United States pursuant to section 221 of the Flood Control Act of 1970 (Public Law 91-611).

SEC. 913. SECTION 215 AGREEMENTS.

42 USC 1962d-5a.

Section 215(a) of the Flood Control Act of 1968 is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

33 USC 2289.

SEC. 914. URBAN AND RURAL FLOOD CONTROL FREQUENCY.

In the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary may consider and evaluate measures to reduce or eliminate damages from

100 STAT. 4191

flooding without regard to frequency of flooding, drainage area, and amount of runoff. This section shall apply with respect to any project, or separable element thereof, the Federal share of the cost of which is less than $3,000,000.

SEC. 915. SMALL PROJECT AUTHORIZATIONS.

(a) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "$30,000,000" in the first sentence and inserting in lieu thereof "$40,000,000" and by striking out "$4,000,000" in the third sentence and inserting in lieu thereof "$5,000,000".

(b) Section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g) is amended by striking out "$5,000,000" and inserting in lieu thereof "$7,500,000" and by striking out "$250,000" and inserting in lieu thereof "$500,000".

(c) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking out "$10,000,000" and inserting in lieu thereof

"$12,500,000" and by striking out "$250,000" and inserting in lieu thereof "$500,000".

(d) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$25,000,000" and inserting in lieu thereof "$35,000,000". Subsection (b) of such section is amended by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

(e) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended (1) by striking out "$25,000,000" and inserting in lieu thereof "$30,000,000", and (2) by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000".

(f) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended by striking out "$1,000,000" and inserting in lieu thereof "$2,000,000".

(g) Section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works or rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is amended by striking out "$300,000" and inserting in lieu thereof "$1,000,000".

Trust Territory of the Pacific Islands. 33 USC 2290.

(h) The Secretary is authorized to use the authority contained in section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) in the Trust Territory of the Pacific Islands.

Contracts. 33 USC 426g note.

(i) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

33 USC 2291.

SEC. 916. FEDERAL REPAYMENT DISTRICT.

Contracts. State and local governments.

(a) The Secretary may enter into a contract providing for the payment or recovery of an appropriate share of the costs of a project under his responsibility with a Federal Project Repayment District or other political subdivision of a State prior to the construction, operation, improvement, or financing of such project. The Federal

Project Repayment District shall include lands and improvements which receive identifiable benefits from the construction or operation of such project. Such districts shall be established in accordance with State law, shall have specific boundaries which may be changed from time to time based upon further evaluations of benefits, and shall include the power to collect a portion of the transfer price from any transaction involving the sale, transfer, or change in beneficial ownership of lands and improvements within the district boundaries.

(b) Prior to execution of an agreement pursuant to subsection (a) of this section, the Secretary shall require and approve a study from the State or political subdivision demonstrating that the revenues to be derived from a contract under this section, or an agreement with a Federal Project Repayment District, will be sufficient to equal or exceed the cost recovery requirements over the term of repayment required by Federal law.

SEC. 917. EMERGENCY AND DISASTER AUTHORITY.

State and local governments.

Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "drinking" each place it appears in the second sentence and by inserting after the first sentence the following new sentence: "In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief Act of 1974, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services.". 42 USC 5121 note.

33 USC 2292.

SEC. 918. SURVEYING AND MAPPING.

Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with title IX of the Federal Property and Administrative Services Act of 1949. 40 USC 541.

33 USC 555a.

SEC. 919. PETROLEUM PRODUCT INFORMATION.

State and local governments. Taxes.

(a) The Secretary shall disclose petroleum product information to any State taxing agency making a request under subsection (b). Such information shall be disclosed for the purpose of, and only to the extent necessary in, the administration of State tax laws.

(b) Disclosure of information under this section shall be permitted only upon written request by the head of the State taxing agency and only to the representatives of such agency designated in such written request as the individuals who are to inspect or to receive the information on behalf of such agency. Any such representative shall be an employee or legal representative of such agency.

100 STAT. 4193

(c)(1) Requests for the disclosure of information under this section, and such disclosure, shall be made in such manner and at such time and place as shall be prescribed by the Secretary.

(2) Information disclosed to any person under this section may be provided in the form of written documents or reproductions of such documents, or by any other mode or means which the Secretary determines necessary or appropriate. A reasonable fee may be prescribed for furnishing such information.

(3) Any reproduction of any document or other matter made in accordance with this subsection shall have the same legal status as the original, and any such reproduction shall, if properly authenticated, be admissible in evidence in any judicial or administrative proceeding as if it were the original, whether or not the original is in existence.

(d) The Secretary shall not disclose information to a State taxing agency of a State under this section unless such State has in effect provisions of law which—

(1) exempt such information from disclosure under a State law requiring agencies of the State to make information available to the public, or

Classified information.

(2) otherwise protect the confidentiality of the information.

Nothing in the preceding sentence shall be construed to prohibit the disclosure by an officer or employee of a State of information to another officer or employer of such State (or political subdivision of such State) to the extent necessary in the administration of State tax laws.

(e) For purposes of this section, the term—

(1) "petroleum product information" means information relating to petroleum products transported by vessel which is received by the Secretary (A) under section 11 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other

purposes", approved September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555), or (B) under any other legal authority; and

(2) "State taxing agency" means any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws.

(f) Section 11 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555) is amended—

(1) by striking out "$100" and inserting in lieu thereof "not more than $5,000"; and

(2) by inserting a new sentence at the end thereof as follows: "In addition, the Secretary may assess a civil penalty of up to $2,500, per violation, against any person or entity that fails to provide timely, accurate statements required to be submitted pursuant to this section by the Secretary.".

SEC. 920. LAW ENFORCEMENT CONTRACTS.

Subsection (b) of section 120 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5d) is amended to read as follows:

Appropriation authorization.

"(b) There is authorized to be appropriated $10,000,000 per fiscal year for each fiscal year beginning after September 30, 1986, to carry out this section.".

100 STAT. 4194

SEC. 921. PLANNING ASSISTANCE TO STATES.

42 USC 1962d-16.

Section 22(b) of the Water Resources Development Act of 1974 is amended—

(1) by striking out "$4,000,000" and inserting in lieu thereof "$6,000,000"; and

(2) by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 922. SERVICES TO STATE AND LOCAL GOVERNMENTS.

Section 3036(d) of title 10, United States Code, is amended by striking out "and may provide" and inserting in lieu thereof the following: "and, on a reimbursable basis, to a State or political subdivision thereof. Services provided to a State or political subdivision thereof shall be undertaken only on condition that—

"(1) the work to be undertaken on behalf of non-Federal interests involves Federal assistance; and

"(2) the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers.".

SEC. 923. REPROGRAMMING DURING NATIONAL EMERGENCIES.

33 USC 2293.

Armed Forces. Defense and national security.

(a) In the event of a declaration of war or a declaration by the President of a national emergency in accordance with the National Emergencies Act (90 Stat. 1255; 50 U.S.C. 1601) that requires or may require use of the Armed Forces, the Secretary, without regard to any other provision of law, may (1) terminate or defer the construction, operation, maintenance, or repair of any Department of the Army civil works project that he deems not essential to the national defense, and (2) apply the resources of the Department of the Army's civil works program, including funds, personnel, and equipment, to construct or assist in the construction, operation, maintenance, and repair of authorized civil works, military construction, and civil defense projects that are essential to the national defense.

(b) The Secretary shall immediately notify the appropriate committees of Congress of any actions taken pursuant to the authorities provided by this section, and cease to exercise such authorities not later than 180 calendar days after the termination of the state of war or national emergency, whichever occurs later.

SEC. 924. OFFICE OF ENVIRONMENTAL POLICY.

33 USC 2294.

State and local governments.

The Secretary shall establish in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Environmental

Policy. Such Office shall be responsible for the formulation, coordination, and implementation of all matters concerning environmental quality and policy as they relate to the water resources program of the United States Army Corps of Engineers. Such Office shall, among other things, develop, and monitor compliance with, guidelines for the consideration of environmental quality in formulation and planning of water resources projects carried out by the Secretary, the preparation and coordination of environmental impact statements for such projects, and the coordination with Federal, State, and local agencies of environmental aspects of such projects and regulatory responsibilities of the Secretary.

33 USC 2295.

SEC. 925. COMPILATION OF LAWS; ANNUAL REPORTS.

Flood control.

100 STAT. 4195

(a) Within one year after the date of enactment of this Act, the laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development enacted after November 8, 1966, and before January 1, 1987, shall be compiled under the direction of the Secretary and the Chief of Engineers and printed for the use of the Department of the Army, the Congress, and the general public. The Secretary shall reprint the volumes containing such laws enacted before November 8, 1966. In addition, the Secretary shall include an index in each volume so compiled or reprinted. The Secretary shall transmit copies of each such volume to Congress.

33 USC 556.

(b) The Secretary shall prepare and submit the annual report required by section 8 of the Act of August 11, 1888, in two volumes. Volume I shall consist of a summary and highlights of Corps of Engineers' activities, authorities, and accomplishments. Volume II shall consist of detailed information and field reports on Corps of Engineers' activities. The Secretary shall publish an index with each annual report.

Public information.

(c) The Secretary shall prepare biennially for public information a report for each State containing a description of each water resources project under the jurisdiction of the Secretary in such State and the status of each such project. Each report shall include an index. The report for each State shall be prepared in a separate volume. The reports under this subsection shall be published at the same time and the first such reports shall be published not later than one year after the date of the enactment of this Act.

33 USC 2296.

SEC. 926. ACQUISITION OF RECREATION LANDS.

(a) In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for recreation purposes, such lands or interests shall be acquired along with the acquisition of lands and interests in lands for other project purposes.

(b) The Secretary is authorized to acquire real property by condemnation, purchase, donation, exchange, or otherwise, as a part of any water resources development project for use for public park and recreation purposes, including but not limited to, real property not contiguous to the principal part of the project.

33 USC 2297.

SEC. 927. OPERATION AND MAINTENANCE ON RECREATION LANDS.

16 USC 460d.
16 USC 460*l*-12note.

The Secretary shall not require, under section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889), and the Federal Water Project Recreation Act, non-Federal interests to assume operation and maintenance of any recreational facility operated by the Secretary at any water resources project as a condition to the construction of new recreational facilities at such project or any other water resources project.

33 USC 2298.

SEC. 928. IMPACT OF PROPOSED PROJECTS ON EXISTING RECREATION FACILITIES.

Reports.

Any report describing a project having recreation benefits that is submitted after the date of enactment of this Act to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives by the Secretary, or by the Secretary of Agriculture under authority of the Watershed Protection and Flood Protection Act (68 Stat. 666; 16 U.S.C. 1001 et seq.), shall describe the usage of other, similar public recreational facilities within the general area of the project, and the anticipated impact of the proposed project on the usage of such existing recreational facilities.

100 STAT. 4196

SEC. 929. AGRICULTURAL BENEFITS.

Section 2 of the Watershed Protection and Flood Protection Act (68 Stat. 666; 16 U.S.C. 1002) is amended by inserting after the proviso in the paragraph relating to the definition of "works of improvement" the following: "Each such project submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives after July 1, 1987, must contain benefits directly related to agriculture that account for at least 20 percent of the total benefits of the project.".

SEC. 930. PUBLIC ACCESS TO WATER IMPOUNDMENTS.

16 USC 1004 note.
Reports.

The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, shall study and report to the appropriate committees of the Senate and the House of Representatives by April 1, 1988, on the feasibility, the desirability, and the public interest involved in requiring that public access be provided to any or all water impoundments that have recreation-related potential and that were authorized pursuant to the Watershed Protection and Flood Protection Act (68 Stat. 666; 16 U.S.C. 1001 et seq.).

SEC. 931. INTERIM USE OF WATER SUPPLY FOR IRRIGATION.

Contracts.

Section 8 of the Act of December 22, 1944 (58 Stat. 891; 43 U.S.C. 390), is amended by adding at the end the following: "In the case of any reservoir project constructed and operated by the Corps of Engineers, the Secretary of the Army is authorized to allocate water which was allocated in the project purpose for municipal and industrial water supply and which is not under contract for delivery, for such periods as he may deem reasonable, for the interim use for irrigation purposes of such storage until such storage is required for municipal and industrial water supply. No contracts for the interim use of such storage shall be entered into which would significantly affect then-existing uses of such storage.".

SEC. 932. WATER SUPPLY ACT AMENDMENTS.

(a) Section 301(b) of the Water Supply Act of 1958 (72 Stat. 319; 43 U.S.C. 390b(b)), is amended as follows:

(1) in the third proviso, after "That" insert the following: "(1) for Corps of Engineers projects, not to exceed 30 percent of the total estimated cost of any project may be allocated to anticipated future demands, and, (2) for Bureau of Reclamation projects,",

Contracts.

(2) in the fourth proviso, after "That" insert the following: "for Corps of Engineers projects, the Secretary of the Army may permit the full non-Federal contribution to be made, without interest, during construction of the project, or, with interest, over a period of not more than thirty years from the date of completion, with repayment contracts providing for recalculation of the interest rate at, five-year intervals, and for Bureau of Reclamation projects,",

State and local governments.

(3) after the first sentence insert the following: "For Corps of Engineers projects, all annual operation, maintenance, and replacement costs for municipal and industrial water supply

100 STAT. 4197

storage under the provisions of this section shall be reimbursed from State or local interests on an annual basis. For Corps of Engineers projects, any repayment by a State or local interest shall be made with interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period, during the month preceding the fiscal year in which costs for the construction of the project are first incurred (or, when a recalculation is made), plus a premium of one-eighth of one percentage point for transaction costs.", and

(4) strike out "The interest rate used" and insert in lieu thereof: "For Bureau of Reclamation projects, the interest rate used".

Contracts.
43 USC 390b note.

(b) Nothing in this section shall be deemed to amend or require amendment of any valid contract entered into pursuant to the Water Supply Act of 1958, or Federal reclamation law and approved by the Secretary of the Army or the Secretary of the Interior prior to the date of enactment of this Act.

SEC. 933. COST SHARING FOR DISPOSAL OF MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended by inserting "by such State of 50 percent" after "upon payment".

SEC. 934. BEACH NOURISHMENT.

Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended by striking out "fifteenth" and inserting in lieu thereof "fiftieth".

33 USC 2299.

SEC. 935. ACQUISITION OF BEACH FILL.

Notwithstanding any other provision of law, in any case in which the use of fill material for beach erosion and beach nourishment is authorized as a purpose of an authorized water resources project, the Secretary is authorized to acquire by purchase, exchange, or otherwise from nondomestic sources and utilize such material for such purposes if such materials are not available from domestic sources for environmental or economic reasons.

33 USC 2300.

SEC. 936. STUDY OF CORPS CAPABILITIES.

State and local governments.

The Secretary shall study and evaluate the measures necessary to increase the capabilities of the United States Army Corps of Engineers to undertake the planning and construction of water resources projects on an expedited basis and to adequately comply with all requirements of law applicable to the water resources program of the Corps of Engineers. As part of such study the Secretary shall consider appropriate measures to increase reliance on the private sector in the conduct of the water resources program of the Corps of Engineers. The Secretary shall implement such measures as may be necessary to improve the capabilities referred to in the first sentence of this section, including the establishment of increased levels of personnel, changes in project planning and construction procedures designed to lessen the time required for such planning and construction, and procedures for expediting the coordination of water resources projects with Federal, State, and local agencies.

100 STAT. 4198

33 USC 2301.

SEC. 937. REPORTS ON HYDROPOWER STATISTICS.

Not later than January 15, 1988, and each January 15 thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which—

(1) specifies the amount of electricity generated by each water resource project constructed by the Secretary which generated electricity in the preceding fiscal year;

(2) specifies the revenues received by the United States from the sale of electricity generated by such project; and

(3) specifies the costs of construction, operation, and maintenance of such project allocated to the generation of electricity.

In carrying out the study under this section, the Secretary shall compare the actual amount of capital costs repaid to that amount that would be required to repay capital costs. The first report submitted under this section shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project before October 1, 1985, on a fiscal year basis in constant dollars. Each report thereafter shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project for the preceding fiscal year.

SEC. 938. REPORTS ON SMALL BUSINESS CONTRACTS.

33 USC 2302.

(a)(1) The Secretary shall, on an annual basis, transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report describing the number and dollar amount of contracts awarded in each industry category or subcategory broken down by Engineer District of the Army Corps of Engineers. Such report shall include the number and dollar amount of contracts (A) set aside for small business concerns; (B) awarded to small business or small disadvantaged business concerns; (C) available for competition by qualified firms of all sizes; and (D) awarded to other than small business or small disadvantaged business concerns.

(2) For purposes of this section, the term—

(A) "contract" means any contract, or any subcontract in connection with a subcontracting plan entered into pursuant to section 8(d) of the Small Business Act, as amended (15 U.S.C. 637(d)), which is funded through appropriations made available to the Corps of Engineers-Civil; and

(B) "industry category or subcategory" means the four digit SIC category or subcategory defined by the Small Business Administration.

(b) In the interest of efficient and cost effective operations by the Secretary, the Comptroller General of the United States shall conduct a study of the Secretary's contracting procedures for civil works projects. Such study shall examine whether potential bidders or offerors, regardless of their size, are allowed to compete fairly in the interest of lowering cost on contracts for construction. Within two years of the date of enactment of this Act, the Comptroller General shall report his findings to Congress together with an assessment of whether contract procedures are applied uniformly among the various field offices under the Secretary's jurisdiction. The report shall also provide recommendations on improving contracting procedures, including (1) how the Secretary can prepare proposals for construction that assure, to the greatest extent reasonable, that no potential bidder or offeror is precluded from competing fairly for contracts, (2) whether recordkeeping requirements imposed by the Secretary on contractors are appropriate in the interest of competition, and (3) the extent to which the private sector can be used more efficiently by the Secretary in contracting for construction, architecture, engineering, surveying, and mapping.

SEC. 939. WRECK REMOVAL.

(a) Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended—

(1) by striking out "voluntarily or carelessly";

(2) by striking out "accidentially or otherwise,"; and

(3) by inserting ", lessee, or operator" after "owner" each place it appears.

(b) Sections 19 and 20 of the Act of March 3, 1899 (30 Stat. 1154; 33 U.S.C. 414 and 415) are amended by inserting "(a)" before the first word of each section and by adding the following new subsection at the end of each section:

Vessels.

"(b) The owner, lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as described in this section shall be liable to the United States for the cost of removal or destruction and disposal as described which exceeds the costs recovered under subsection (a). Any amount recovered from the owner, lessee, or operator of such vessel pursuant to this subsection to recover costs in excess of the proceeds from the sale or disposition of such vessel shall be deposited in the general fund of the Treasury of the United States.".

SEC. 940. SHORE DAMAGE MITIGATION.

Section 111 of the River and Harbor Act of 1968 (82 Stat. 735, 33 U.S.C. 426i) is amended to read as follows:

Real property.

"SEC. 111. The Secretary of the Army is authorized to investigate, study, plan, and implement structural and nonstructural measures for the prevention or mitigation of shore damages attributable to Federal navigation works, if a non-Federal public body agrees to operate and maintain such measures, and, in the case of interests in real property acquired in conjunction with nonstructural measures, to operate and maintain the property for public purposes in accordance with regulations prescribed by the Secretary. The costs of implementing measures under this section shall be cost-shared in the same proportion as the cost-sharing provisions applicable to the project causing the shore damage. No such project shall be initiated without specific authorization by Congress if the Federal first cost exceeds $2,000,000.".

SEC. 941. AQUATIC PLANT CONTROL.

Section 104(b) of the River and Harbor Act of 1958 (33 U.S.C. 610(b)) is amended by striking out "$10,000,000" and inserting in lieu thereof "$12,000,000".

33 USC 426m.

SEC. 942. TECHNICAL ASSISTANCE.

State and local governments.

(a) Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable to such State or local government for its

use in carrying out—

(1) projects for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof; and

(2) projects for renovating navigable streams and tributaries thereof by means of predominantly nonstructural methods judged by the Secretary to be cost effective, for the purpose of improved drainage, water quality, and habitat diversity.

(b) The non-Federal share of the cost of any designs, plans, specifications or technical assistance provided under subsection (a) shall be 50 percent.

33 USC 2303.

SEC. 943. HISTORICAL PROPERTIES.

The Secretary is authorized to preserve, restore, and maintain those historic properties located on water resource development project lands under the jurisdiction of the Department of the Army if such properties have been entered into the National Register of Historic Places.

33 USC 709b.

SEC. 944. FLOOD HAZARD INFORMATION.

Public information.

The Secretary, the Director of the Federal Emergency Management Agency, and the Administrator of the Soil Conservation Service shall take necessary actions, including the posting and distribution of information and the preparation and distribution of educational materials and programs, to ensure that information relating to flood hazard areas is generally available to the public.

SEC. 945. DREDGE VESSEL DISPOSAL.

40 USC 483d.

Vessels.
Armed Forces.

40 USC 483, 484.

Notwithstanding any other provision of law, the Administrator of the General Services Administration, pursuant to the provisions of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949, may dispose of any Corps of Engineers vessel used for dredging that is declared to be in excess of Federal needs by the Secretary, together with related equipment owned by the United States and under the control of the Chief of Engineers, through sale or lease to a foreign government as part of a Corps of Engineers technical assistance program, or to a Federal or State maritime academy for training purposes, or to a non-Federal public body for scientific, educational, or cultural purposes, or through sale solely for scrap to foreign or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of engaging in dredging activities. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized by section 101 of the Civil Functions Appropriations Act, 1954 (67 Stat. 199; 33 U.S.C. 576), to be available, as provided in appropriations Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

SEC. 946. LIGHTING AT DOCKS AND BOAT LAUNCHING FACILITIES.

33 USC 403b.

Whenever the Secretary considers a permit application for a dock or a boat launching facility under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), the Secretary shall consider the needs of such facility for lighting from sunset to sunrise to make such facility's presence known within a reasonable distance.

SEC. 947. PRIORITY OF COAL LOADING VESSELS.

Section 5 of Public Law 96-387 (46 U.S.C. App. 1121-1) is amended by striking "until June 30, 1987,".

100 STAT. 4201

SEC. 948. BUDGET ACT REQUIREMENTS.

33 USC 2201 note.

Any spending authority under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts. For purposes of this Act, the term "spending authority" has the meaning provided in section 401(c)(2) of the Congressional Budget Act of 1974, except that such term does not include spending authority for which an exception is made under section 401(d) of such Act.

2 USC 651.

SEC. 949. SEPARABILITY.

33 USC 2304.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 950. USE OF FMHA FUNDS.

33 USC 2305.

Notwithstanding any other provision of law, Federal assistance made available by the Farmers Home Administration may be used to pay the non-Federal share of any other Federal grant-in-aid program for any project for water resources, including water pollution control.

SEC. 951. REPORTS.

33 USC 2306.

Fish and fishing.
Wildlife.

If any report required to be transmitted under this Act to the Committee on Public Works and Transportation of the House of Representatives or the Committee on Environment and Public Works of the Senate pertains in whole or in part to fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, the Federal officer required to prepare or transmit that report also shall transmit a copy of the report to the Committee on Merchant Marine and Fisheries of the House of Representatives.

TITLE X—PROJECT DEAUTHORIZATIONS

33 USC 579a.

SEC. 1001. (a) Any project authorized for construction by this Act shall not be authorized after the last day of the 5-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

(b)(1) Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a list of unconstructed projects, or unconstructed separable elements of projects, which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after December 31, 1989, if funds have not been obligated for construction of such project or element after the date of enactment of this Act and before December 31, 1989.

(2) Every two years after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after the date which is 30 months after the date the list is so transmitted if funds have not been obligated for construction of such project or element during such 30-month period.

100 STAT. 4202

Federal Register, publication.

(c) The Secretary shall publish in the Federal Register a list of any projects or separable elements that are deauthorized under this section.

SEC. 1002. The following projects, with a total estimated authorized cost of $11.1 billion, are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

ALABAMA

72 Stat. 297.

The project for flood control, Alabama River, Montgomery, Alabama, authorized by the Flood Control Act of 1958.

59 Stat. 10.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Wills Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Crooked Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Hatchet Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Little River Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Mill Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Terrapin Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Waxahatchee Creek Lake, Alabama, authorized by the

River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Weogufka Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Yellowleaf Creek, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Canoe Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

ALASKA

The project for navigation, Myers Chuck Harbor, Alaska, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress. 59 Stat. 10.

The jetty extension feature of the project for navigation, Nome Harbor, Alaska, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress. 49 Stat. 1028.

The project for navigation, Skagway River, Alaska, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, and section 10 of the Flood Control Act of 1946, except the 6,700-foot training dike and the 1,800-foot breakwater. 60 Stat. 641.

ARKANSAS

The project for flood control, Crooked Creek Lake Levee, Arkansas, authorized by the Flood Control Act of 1968. 82 Stat. 739.

The Gillette New Levee feature of the project for flood control, Lower Arkansas River, North Bank, Arkansas, authorized by the Flood Control Act of May 15, 1928, Public Law 391, Seventieth Congress; the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress; and the Flood Control Act of 1946. 33 USC 702a. 49 Stat. 1570. 60 Stat. 641.

The project for flood control, Murfreesboro Reservoir, Pike County, Arkansas, authorized by the Flood Control Act of 1950. 64 Stat. 163.

CALIFORNIA

The project for flood control, Alhambra Creek, California, authorized by the Flood Control Act of 1968.

The Aliso Creek Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Lear River, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works and Transportation of the House of Representatives, dated September 23, 1976, and resolution of the Committee on Environment and Public Works of the Senate, dated October 1, 1976. 42 USC 1962d–5.

The project for flood control, Butler Valley Dam, Mad River, California, authorized by the Flood Control Act of 1968.

The project for flood control, Eel River, California, authorized by the Flood Control Act of 1965, except for the completed levees on the right bank of the Eel River in the Sandy Prairie area. 79 Stat. 1073.

The Sierra Madre Wash feature of the project for flood control, Los Angeles County Drain Area, California, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress. 55 Stat. 638.

The barrier groin and sandtrap feature of the project for navigation, Monterey Harbor, California, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The features of the project for navigation, Napa River, California, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress, which features consist of construction of dikes and revetments. 60 Stat. 634.

That portion of the project for navigation, Old River, San Joaquin County, California, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, consisting of a side channel at Orwood and completion of the project channels from the mouth of Old River to Lammers Ferry road and from Crocker Cut to the Holly Sugar Factory.

The San Juan Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The Trabuco Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress. 49 Stat. 1570.

The project for flood control, University Wash and Spring Brook, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971. 42 USC 1962d-5.

The shallow-draft channel, Colusa to Red Bluff, feature of the project for navigation, Sacramento River, California, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress. 49 Stat. 1028.

Those features of the project for navigation, San Joaquin River, Stockton Deepwater Ship Channel, California, authorized by the River and Harbor Act of 1950, which features consist of construction of a new turning basin near Rough and Ready Island; enlargement of Upper Stockton Channel; construction of a 30-foot depth Burns Cut-off Channel around Rough and Ready Island, including construction of a combination rail and highway bridge; and construction of a new settling basin on San Joaquin River upstream from its confluence with Stockton Channel. 64 Stat. 163.

COLORADO

The project for flood control, Boulder, Colorado, authorized by the Flood Control Act of 1950. 64 Stat. 163.

The project for flood control, Castlewood Lake, Douglas County, Colorado, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress. 55 Stat. 638.

CONNECTICUT

The features of the project for navigation, Bridgeport Harbor-Black Rock Harbor, Connecticut, authorized by the River and Harbor Act of 1958, which features provide for construction of two rubble-mound breakwaters at the entrance to Black Rock Harbor and dredging a 28-acre anchorage 6 feet deep in Burr and Cedar Creeks at the head of Black Rock Harbor. 72 Stat. 297.

The project for navigation, Connecticut River below Hartford, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Mystic River, New London County Channel, Connecticut, authorized by the River and Harbor Act of March 4, 1913, Public Law 429, Sixty-second

Congress, which provides for the widening of the channel extending 4,700 feet from the United States Route 1 drawbridge to the Mystic Seaport site from its constructed width of 80 to 90 feet to a width of 100 feet.

The Walnut Beach and impermeable groins features of the project for beach erosion control, Silver Beach to Cedar Beach, Connecticut, authorized by the River and Harbor Act of 1954. 68 Stat. 1248.

The six-foot anchorage at northeast end of Stonington Harbor feature of the project for navigation, Stonington Harbor, New London County, Connecticut, authorized by the River and Harbor Act of 1950. 64 Stat. 163.

The feature of the project for navigation, Thames River, New London County, Connecticut, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which provides for an increased channel width in the bend at Long Reach Upper Light (river mile 6.8). 59 Stat. 10.

The uncompleted portions of the project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of 1946, which portions consist of deepening the lower end of the Quinnipiac River Channel to 22 feet up to a point 1,000 feet above Ferry Street. 60 Stat. 634.

The project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The uncompleted portions of the project for navigation, Milford Harbor, Connecticut, authorized by the River and Harbor Act of June 13, 1902, and the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portions consist of a 5-acre anchorage, 10 feet deep, behind the east jetty at the east side of such jetty. 32 Stat. 331.

FLORIDA

The Cross Bank to Key West portion of the project for navigation, Atlantic Intracoastal Waterway, Miami to Key West, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Biscayne Bay, Dade County, Florida, (Hurricane Barrier) authorized by the Act of June 15, 1955, Public Law 71, Eighty-fourth Congress. 69 Stat. 132.

That portion of the project for navigation, Cedar Keys Harbor, Levy County, Florida, authorized by the River and Harbor Act of July 5, 1884, consisting of the excavation of 1,500 cubic yards from an area known as the "middle ground" within the alignment of the main ship channel.

The Sebastian Channel feature of the project for navigation, Intracoastal Waterway, Jacksonville to Miami, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

Those portions of the project for navigation, Jacksonville Harbor Mooring Basin, Naval, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consisting of a channel 28 feet deep by 590 feet wide extending from Laura Street to Saint Elmo W., Acosta Bridge; a channel and floodway along the south side of Commodore Point; and an approach and mooring basin at the Naval Reserve Armory near the Main Street bridge.

That portion of the project for navigation, Key West Harbor, Monroe County, Florida, authorized by the River and Harbor Act of September 19, 1890, consisting of two uncompleted jetties at the entrance to the northwest channel.

The uncompleted portions of the project for navigation, Miami Harbor, Miami River, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consist of widening the mouth of the Miami River; providing a channel 8 feet by 20 feet from the 59 Stat. 10.

mouth of the river to the Intracoastal Waterway, thence 100 feet wide to Government Cut; and providing a channel 12 feet by 100 feet from Miami to a harbor of refuge in Palmer Lake.

The Stuart turning basin feature of the project for navigation, Okeechobee Waterway, Martin County, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Oklawaha River, Florida, authorized by the River and Harbor Act of March 2, 1907, consisting of a channel 6 feet deep from the mouth of the river to the head of Silver Springs Run.

49 Stat. 1028.

That portion of the project for navigation, Palm Beach Harbor, Florida, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, consisting of a channel 16 feet deep and 150 feet wide from the Palm Beach Harbor Channel to an anchorage basin 16 feet deep, 750 feet wide, and 2,000 feet long in Lake Worth opposite Tangier Avenue.

The Carrabelle to St. Marks portion of the Gulf Intracoastal Waterway, Apalachicola Bay to Saint Marks River, Florida, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress; the Act of July 23, 1942 (Public Law 675, Seventy-seventh Congress); and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The modification of the project for navigation, Pensacola Harbor, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

64 Stat. 163.

That portion of the project for navigation, Saint Augustine Harbor, Florida, authorized by the River and Harbor Act of 1950, which portion consists of the uncompleted future landward extension of the groin and jetty on the northside of the inlet.

84 Stat. 1818.

That portion of the project for navigation, Tampa Harbor, Florida, authorized by the Flood Control Act of 1970, which portion consists of the last incremental one-foot depth for underkeel clearance.

That portion of the project for navigation, Tampa Harbor and Hillsborough Bay, Florida, authorized by the Act of August 8, 1917, which portion consists of the turning basin at the junction of Garrison Channel, Seddon Channel, and Hillsborough River.

GEORGIA

The project for hydroelectric power, Alabama-Coosa River Basin, Canton Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

59 Stat. 10.

The project for hydroelectric power, Alabama-Coosa River Basin, Cartecay Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Gilmer Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Kingston Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

79 Stat. 1073.

The project for hydroelectric power, Lazer Creek Lake, Georgia, authorized by the Flood Control Act of 1965.

77 Stat. 840.

The project for hydroelectric power, Lower Auchumpkee Creek Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

The project for hydroelectric power, Spewrell Bluff Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

HAWAII

The project for navigation, Ala Wai Harbor, Oahu, Hawaii, authorized by the River and Harbor Act of 1968. 82 Stat. 731.

The project for beach erosion control, Hanapepe Bay Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958. 72 Stat. 297.

The project for beach erosion control, Waimea Beach Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

IDAHO

The project for flood control, South Fork, Clearwater River, Idaho, authorized by Flood Control Act of 1950. 64 Stat. 163.

The project for flood control, Teton River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Blackfoot Reservoir, Idaho, authorized by Flood Control Act of 1962. 76 Stat. 1180.

The project for flood control, Boise Valley, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Cottonwood Creek Dam, Idaho, authorized by Flood Control Act of 1966. 80 Stat. 1418.

The project for flood control, Heise-Roberts Levee Extension, Idaho, authorized by Flood Control Act of 1950, except for constructed levees along the left bank of the Snake River downstream from the mouth of Henry's Fork.

The project for flood control, Whitebird Creek, Idaho, authorized by Flood Control Act of 1950.

ILLINOIS

The improvements to the beartraps feature of the project for navigation, Dam 43, Ohio River, Illinois, authorized by the River and Harbor Act of March 3, 1909, Public Law 317, Sixtieth Congress.

The project for flood control, Farmers Drainage and Levee District, Illinois, authorized by Flood Control Act of 1962.

The project for flood control, Freeport, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress. 49 Stat. 1570.

The feature of the Illinois Waterway Navigation project, Illinois, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of straightening a curve in the channel in the vicinity of Pekin, Illinois. 49 Stat. 1028.

That portion of the project for shore protection, Kenilworth, Illinois, Shore of Lake Michigan, Illinois, authorized by the River and Harbor Act of 1954, which portion consists of protection of the Mahoney Park 200-foot long beach frontage located at the extreme south end of the village limits by constructing a steel sheet piling impermeable groin, about 200 feet long near the south lines of Mahoney Park. 68 Stat. 1248.

The project for flood control, Levee Unit 1, Wabash River, Gallatin County, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Levees District Numbered 21, Vandalia, Illinois, authorized by the Flood Control Act of 1958. 72 Stat. 297.

The project for flood control, Little Calumet River, Illinois, authorized by the Flood Control Act of 1954. 68 Stat. 1248.

The project for flood control, Metropolis, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress. 52 Stat. 1215.

46 Stat. 918. That portion of the project for navigation, Mississippi River between Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress, which portion consists of construction of about 600 feet of guidewall extensions each at locks numbered 4, 5, 5A, 7, 8, 9, and 10.

The project for navigation, Ohio River Open Channel, Louis District, Illinois, authorized by the River and Harbor Act of March 2, 1827.

The project for navigation, Ohio River Open Channel, Ice Pier, Illinois, authorized by the River and Harbor Act of January 21, 1927.

The project for navigation, Ohio River Open Channel, Illinois, authorized by the River and Harbor Act of July 3, 1930.

The project for flood control, Shawneetown, Gallatin County Levee Enlargement, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

76 Stat. 1180. The project for flood control, Scott County Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

62 Stat. 1175. The project for flood control, South Beloit, Illinois, authorized by the Flood Control Act of 1948.

The project for flood control, William L. Springer Lake, Illinois, authorized by the Flood Control Act of 1962.

72 Stat. 297 The project for navigation, Alton Commercial Harbor, Illinois, authorized by the River and Harbor Act of 1958.

The project for flood control, Keach Drainage and Levee District, Green County, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Big Swan Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

100 STAT. 4209

42 USC 1962d-5. The project for flood control, Fort Chartres and Ivy Landing Drainage District Numbered 5, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated December 17, 1970.

INDIANA

49 Stat. 1570. The project for flood control, Anderson, Madison County, Indiana, Earth Levee, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

68 Stat. 1248. 60 Stat. 634. The project for navigation, Illinois Waterway, Cal-Sag Channel, Part 2, Indiana, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, and the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Levees between Shelby Bridge and Baums Bridge, Indiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

82 Stat. 731. The project for flood control, Marion, Indiana, authorized by the Flood Control Act of 1968.

60 Stat. 641. That portion of the project for flood control, Vincennes, Indiana, authorized by the Flood Control Act of 1946, which portion consists of the uncompleted downstream levee to connect with high ground southeast of the city.

IOWA

The project for flood control, Davids Creek Lake, Iowa, authorized by the Flood Control Act of 1968.

The project for navigation, Fort Madison Harbor, Iowa, authorized by the River and Harbor Act of 1968.

76 Stat. 1173. The project for navigation, Keokuk Small Boat Harbor, Iowa, authorized by the River and Harbor Act of 1962.

The project for flood control, Missouri Levee System (units L-753, L-747, L-739, L-733, L-729, L-728, L-715, L-700, L-691, L-670, L-651, L-650, L-643, L-637, L-528), Iowa, authorized by the Flood Control Act of August 18, 1941, Public Law 228 Seventy-seventh Congress. 55 Stat. 638.

KANSAS

The project for flood control, El Dorado, West Branch, Walnut River, Butler County, Kansas, authorized by the Flood Control Act of 1965. 79 Stat. 1073.

The project for flood control, Garnett Lake, Pottawatomi Creek, Kansas, authorized by the Flood Control Act of 1954. 68 Stat. 1248.

The project for flood control, Grove Lake, Kansas, authorized by the Flood Control Act of 1962. 76 Stat. 1180.

The project for flood control, Indian Lake, Kansas, authorized by the Flood Control Act of 1970. 84 Stat. 1818.

The project for navigation, Kansas River Navigation, Kansas authorized by the River and Harbor Act of 1965. 79 Stat. 1089.

The project for flood control, Missouri River Levee System, Kansas, (units R402 and R395-393) authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

100 STAT. 4210

The project for flood control, Neodesha Lake, Wilson County, Verdigris River, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress. 55 Stat. 638.

The project for flood control, Tomahawk Lake, Blue River, Johnson County, Kansas, authorized by the Flood Control Act of 1970. 84 Stat. 1818.

The project for flood control, Towanda Lake, Kansas, authorized by the Flood Control Act of 1965. 79 Stat. 1073.

The modification to the project for flood control, Tuttle Creek Lake, Kansas, authorized by section 18 of the Water Resources Development Act of 1974, which modification consists of relocation of a portion of FAS 1208. 88 Stat. 19.

The project for flood control, Wolf-Coffee Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Cedar Point Lake, Kansas, authorized by the Flood Control Act of 1950. 64 Stat. 163.

The project for flood control, Cow Creek-Hutchison, Kansas, authorized by the Flood Control Act of 1962. 76 Stat. 1180.

The project for flood control, Missouri River Levee System Levee R414, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KENTUCKY

The project for flood control, Caseyville, Union County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress. 52 Stat. 1215.

The project for flood control, Cloverport, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Concordia, Meade County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The section A-A portion of the floodwall of the project for flood control, Louisville, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Middlesboro, Yellow Creek, Bell County, Kentucky, authorized by the Flood Control Act of December 22, 1944, Public Law 534, Seventy-eighth Congress. 58 Stat. 887.

The project for flood control, Tolu, Crittenden County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

LOUISIANA

The project for flood control, Black Bayou, Reservoir, Caddo Parish, Louisiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress. 49 Stat. 1570.

The project for navigation, Overton-Red River Waterway above Mile 31, Louisiana, authorized by the River and Harbor Act of July 24, 1946, Public Law 526, Seventy-ninth Congress. 60 Stat. 634.

A portion of the project for navigation, Bayou La Fourche, Louisiana, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which portion consists of a 6-foot deep by 60-foot wide channel, 22 miles in length from Thibodaux to Lockport, Louisiana. 49 Stat. 1028.

MAINE

That portion of the project for navigation, Bar Harbor, Maine, authorized by the River and Harbor Act of August 11, 1888, and the River and Harbor Act of September 19, 1890, which portion consists of completing the breakwater to its fully authorized cross section.

The Dickey-Lincoln School project, Saint John River, Maine, authorized by section 204 of the Flood Control Act of 1965. 79 Stat. 1074.

That portion of the project for navigation, Kennebec River, Maine, authorized by the River and Harbor Act of June 13, 1902, which portion consists of the 27-foot channel above the bridge at Bath, Maine. 32 Stat. 331.

That portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 29, 1956, Public Law 630, Eighty-fourth Congress, which portion consists of an 18-foot access channel, 100 feet wide and 900 feet long to the shipyard along southern waterfront, and uncompleted portions of the outer limits of three branch channels along the central waterfront. 70 Stat. 407.

MARYLAND

The feature of the project for navigation, Baltimore Harbor and channels, Maryland, authorized by the River and Harbor Acts of August 8, 1917, January 21, 1927, July 3, 1930, October 17, 1940, March 2, 1945, July 3, 1958, and December 31, 1970, which feature consists of a navigation channel 150 feet wide to Ferry Bar and thence 27 feet deep and 150 feet wide to the Hanover Street Bridge. 46 Stat. 918. 59 Stat. 10. 72 Stat. 297. 84 Stat. 818.

MASSACHUSETTS

The project for navigation, Edgartown Harbor, Massachusetts, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on December 15, 1970, and by the Committee on Public Works of the Senate on December 19, 1970. 42 USC 1962d-5.

The feature of the project for navigation, Fall River Harbor Channel, Massachusetts, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of rock removal to a depth of 30 feet at the lower end of Hog Island Shoal at the north side of the entrance to Mount Hope Bay.

The project for navigation, Ipswich River, Massachusetts, authorized by the Flood Control Act of 1968. 82 Stat. 739.

The feature of the project for navigation, Nantucket Harbor of Refuge Anchorage, Massachusetts, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of 15-foot deep anchorage, 2,800 feet long by 300 to 1,100 feet wide near the west side of the inner harbor, and a 15-foot deep fairway 200 feet wide between the anchorage and the main waterfront.

The project for navigation, New Bedford and Fairhaven Harbor, Bristol County, Massachusetts, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress.

The feature of the project for navigation, Newburyport Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening the entrance channel from 12 to 15 feet and deepening the turning basin along the Newburyport waterfront from 9 to 12 feet. 59 Stat. 10.

The Nookagee Lake feature of the project for flood control, North Nashua River, Massachusetts, authorized by the Flood Control Act of 1968, which feature consists of a multiple-purpose earthfill dam and reservoir on the North Nashua River in Westminster, Massachusetts. 82 Stat. 731.

The project for navigation, Pleasant Bay, Massachusetts, authorized by the Flood Control Act of 1970. 84 Stat. 1818.

The feature of the project for navigation, Salem Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening to 10 feet a channel from deep water in the central part of Salem Harbor to Pickering Wharf near the South River.

The uncompleted groin feature of the project for beach erosion control, Winthrop Beach, Massachusetts, authorized by the River and Harbor Act of 1950. 64 Stat. 163.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of 1954, which feature consists of enlarging the turning basin to include the easterly 300 feet of the municipal channel. 68 Stat. 1248.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of deepening from 22 to 25 feet a 2.7-mile channel from Bass Point to and including a turning basin at the head of Lynn Harbor. 49 Stat. 1028.

The project for flood control, Monoosnoc Brook, Massachusetts, authorized by the River and Harbor Act of 1966. 80 Stat. 1405.

The project for flood control, Monoosnoc Lake, Worcester County, Massachusetts, authorized by the River and Harbor Act of November 7, 1966.

The feature of the project for beach erosion control, Cape Cod Canal to Provincetown, Massachusetts (Town Neck Beach), authorized by the River and Harbor Act of 1960 which feature consists of widening approximately 6,500 feet of beach east of the eastern entrance to Cape Cod Canal to 125 feet and raising the inshore end of the existing east jetty at the east entrance to such Canal. 74 Stat. 480.

MICHIGAN

The project for navigation, Forestville Harbor, Michigan, authorized by the River and Harbor Act of 1968. 82 Stat. 731.

The project for navigation, Middle Channel, Saint Clair River, Michigan, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress. 60 Stat. 634.

The project for flood control, Red Run Drain, Lower Clinton River, Michigan, authorized by the Flood Control Act of 1970.

The uncompleted portion of the project for navigation, Grand Marais Harbor, Michigan, authorized by the River and Harbor Act of June 14, 1880, which portion consists of widening the inner portion of the channel from 250 to 300 feet. 21 Stat. 180.

100 STAT. 4213

The uncompleted portion of the project for navigation, Keweenaw Waterway, Houghton County, Michigan, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress, which portion consists of extending the lower entrance breakwater by 2,000 feet, including the necessary alteration or replacement of structures due to channel deepening. 49 Stat. 1028.

The turning basin feature of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by the River and Harbor Act of 1962. 76 Stat. 1173.

The Sanilac Flats feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for major drainage improvements on Middle Branch and South Branch, Cross River, and a short reach of East Branch. 72 Stat. 297.

The Corunna feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for flood protection by channel improvement, levee construction, and related work including construction of a 1,500 foot levee on the right bank; widening of two constrictive reaches of the Saginaw River at, and downstream of, the mill dam; enlargement of the spillway capacity of the mill dam; and removal of the remains of an abandoned railway bridge at the tile plant.

The Owosso feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides flood protection by enlarging the river channel from the Ann Arbor Railroad Bridge to the city sewage treatment plant, removal of a portion of a building which encroaches on the river channel, removal of four dams and underpinning of the Main Street Bridge, and the provision of scour protection of four bridges.

The project for beach erosion control, Berrien County, Michigan (Saint Joseph Shore), authorized by the Flood Control Act of 1958.

The feature of the project for navigation, Alpena Harbor, Michigan, authorized by the River and Harbor Act of 1965, which feature consists of the proposed turning basin and breakwater reconfiguration. 79 Stat. 1089.

MINNESOTA

The project for flood control, Warroad River and Bull Dog Creek, Minnesota, authorized by the Flood Control Act of 1962. 76 Stat. 1180.

The feature of the navigation project for the Mississippi River between the Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, which feature consists of extension of the upper guidewall about 600 feet in length at lock numbered 3. 46 Stat. 918.

MISSISSIPPI

The project for navigation, Biloxi Harbor, Old Fort Bayou, Mississippi, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress. 59 Stat. 10.

100 STAT. 4214

The project for flood control, Buffalo River, Mississippi, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress. 49 Stat. 1570.

The project for navigation, Pascagoula Harbor, Main Channel, Mississippi, authorized by the River and Harbor Act of March 2, 1827.

MISSOURI

The project for recreation, Angler Use Sites, Missouri, authorized by the Flood Control Act of 1966. 80 Stat. 1418.

The project for flood control, Mississippi River Agricultural Area 12, Missouri, authorized by the Flood Control Act of 1966.

The project for hydroelectric power, Pomme de Terre Lake (Power Project), Missouri, authorized by the Flood Control Act of 1954. 68 Stat. 1248.

The project for navigation, Sandy Slough Remedial Measures, Missouri, authorized by the River and Harbor Act of 1962.

The project for flood control, Mill Creek Lake, Missouri, authorized by the Flood Control Act of 1970. 84 Stat. 1818.

NEBRASKA

The project for flood control, Little Nemaha River, Nemaha County, Nebraska, authorized by the Flood Control Act of 1965. 79 Stat. 1073.

NEVADA

The project for flood control, Gleason Creek Dam, Nevada, authorized by the Flood Control Act of 1960. 74 Stat. 488.

The project for flood control, Humboldt River and Tributaries, Nevada, authorized by the Flood Control Act of 1950. 64 Stat. 163.

NEW JERSEY

The feature of the project for navigation, Newark Bay, Hackensack and Passaic Rivers, New Jersey, authorized by the River and Harbor Act of 1954 and by the River and Harbor Act of 1966 which feature consists of deepening of portions of the Hackensack River to 32 and 15 feet. 68 Stat. 1248. 80 Stat. 1405.

NEW YORK

The project for flood control, Allegany, New York, Unit 2, Five Mile Creek, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress. 60 Stat. 641.

The project for flood control, Allegany, New York, Unit 1, Allegheny River, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for navigation, Hudson River, New York City to Albany (12-foot harbors), New York, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The project for navigation, Hudson River, New York City to Albany (27-foot channel), New York, authorized by the Act of March 3, 1925, Public Law 585, Sixty-eighth Congress.

The project for navigation, Ogdensburg Harbor, New York, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress. 49 Stat. 1028.

The project for flood control, Red Creek, New York, authorized by the Flood Control Act of 1966. 80 Stat. 1418.

The uncompleted portion of the project for navigation, Ticonderoga River, Essex County, New York, authorized by the River and Harbor Act of March 3, 1881. 100 STAT. 4215

The project for navigation, Cape Vincent Harbor, New York, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress. 59 Stat. 10.

The project for hurricane protection, East Rockaway Inlet to Rockaway Inlet, Part 2, New York, authorized by the Flood Control Act of 1965. 79 Stat. 1073.

The project for flood protection, Hammondsport, Glen Brook (Glen Brook Flume), New York, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress. 55 Stat. 638.

NORTH CAROLINA

68 Stat. 1248. The feature of the project for navigation, Atlantic Intracoastal Waterway—Peltier Creek, Carteret County, North Carolina, authorized by the River and Harbor Act of 1954, which feature includes a 12-foot channel. Maintenance of the existing 6-foot deep by 50-foot wide channel shall remain authorized.

The project for navigation, Atlantic Intracoastal Waterway Tidal Lock in Snows Cut, North Carolina, authorized by the River and Harbor Act of January 21, 1927, Public Law 560, Seventieth Congress.

76 Stat. 1173, 1180. The feature of the project for beach erosion control, Fort Macon State Park, North Carolina, authorized by the River and Harbor Act of 1962 and the Flood Control Act of 1962, which feature includes placing of capstone and remaining portions of beach fill and replenishment thereof.

The feature of the project for navigation, Morehead City Harbor, North Carolina, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

The project for beach stabilization and hurricane protection, Ocracoke Island, North Carolina, authorized by the Flood Control Act of 1965.

The project for beach stabilization and hurricane protection, Ocracoke Island-Village Shore, North Carolina, authorized by the Flood Control Act of 1965.

74 Stat. 480. The feature of the project for navigation, Ocracoke Inlet Jetty, Hyde County, North Carolina, authorized by the River and Harbor Act of 1960, which feature consists of a single jetty extending from Ocracoke Island to the 20-foot depth in the Atlantic Ocean.

The portion of the project for navigation, Roanoke River, Halifax County, North Carolina, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, which portion consists of constructing a 50-mile-long channel above Palmyra Landing to Weldon, North Carolina, 5 feet deep and 50 feet wide by dredging, snagging, and regulating.

OHIO

50 Stat. 877. The additional beartraps, guardwalls, and extension of guidewalls features of the project for navigation, Ohio River, Ohio, authorized by the Flood Control Act of 1937.

52 Stat. 1215. The project for flood control, Burlington, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Chesapeake, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Empire-Stratton, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Martins Ferry, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Powhatan Point, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Proctorville, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, South Point, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

76 Stat. 1180. The project for flood control, Salt Creek Lake, Ohio, authorized by the Flood Control Act of 1962.

OREGON

The project for flood control, Columbia Drainage District No. 1, Oregon, authorized by the Flood Control Act of 1950. 64 Stat. 170.

The project for flood control, Deer Island Drainage District, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Shelton Ditch, Marion County, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Umpqua River-Scholfield River, Oregon, authorized by the Flood Control Act of September 22, 1922, Public Law 362, Sixty-seventh Congress, and the Flood Control Act of 1954. 68 Stat. 1248.

The project for flood control, Cascadia Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Gate Creek Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Grande Ronde Lake, Oregon, authorized by the Flood Control Act of 1965. 79 Stat. 1073.

The project for flood control, Grande Ronde Valley, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Holley Lake, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Pendleton Levees, Riverside Area, Oregon, authorized by the Flood Control Act of 1950.

The uncompleted portions of the project for navigation, Willamette River above Portland and Yamill River, Oregon, authorized by the River and Harbor Act of June 3, 1896, as modified by the River and Harbor Act of June 28, 1938, Public Law 761, Seventy-fifth Congress. 54 Stat. 202.

The project for navigation, Willamette River at Willamette Falls, Oregon, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress. 59 Stat. 10.

PENNSYLVANIA

The project for flood control, Brackenridge, Tarentum, and Natrona, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress. 52 Stat. 1215.

The project for navigation, Chester River, Delaware County (8-ft. channel), Pennsylvania, authorized by the River and Harbor Act of March 2, 1919, Public Law 323, Sixty-fifth Congress.

The project for flood control, Leetsdale, Allegheny County, Levee and Drainage Facility, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Muddy Creek Lake, Pennsylvania, authorized by the Flood Control Act of 1962. 76 Stat. 1180.

The project for flood control, Neville Island, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, New Kensington and Parnassus, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rochester, Beaver County, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Trexler Dam and Lake, Lehigh County, Pennsylvania, authorized as part of the Delaware River Basin project pursuant to section 203 of the Flood Control Act of 1962.

The project for navigation, Youghiogheny River Canalization, Pennsylvania, authorized by the River and Harbor Act of 1930, Public Law 395, Seventy-first Congress. 46 Stat. 918.

The project for flood control, Aquashicola Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Maiden Creek Lake Earth Dam, Pennsylvania, authorized by the Flood Control Act of 1962.

PUERTO RICO

The project for navigation, Fajardo Harbor (28 foot Channel and Tidal Basin), Puerto Rico, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Guayanes Harbor (23 foot channel and anchorage), Puerto Rico, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

RHODE ISLAND

The features of the project for navigation, Great Salt Pond, Newport County, Rhode Island, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which features include a 1,200-foot long north jetty at the entrance to Great Salt Pond and a 12-foot access channel and basin in the inner harbor (Trim Pond).

100 STAT. 4218

The features of the project for navigation, Harbor of Refuge, Block Island, Rhode Island, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress, which features include two 15-foot anchorages in the outer harbor.

54 Stat. 202.

The portions of the project for navigation, Pawcatuck River, Washington County, Rhode Island, authorized by the River and Harbor Act of June 3, 1896, which portions include widening the middle section of the Little Narraganset Bay channel by an additional 100 feet to 200 feet, widening a 5,000 foot section of the river channel at Avondale by an additional 100 feet to 200 feet, and by deepening a 2,000 foot section of the upper river channel by an additional 3 feet to 10 feet.

79 Stat. 1089.

The portion of the project for navigation, Providence River and Harbor, Rhode Island, authorized by the River and Harbor Act of 1965, which portion consists of the branch channel along the India Point waterfront, 30 feet deep, 150 feet wide, and about 1,000 feet long.

79 Stat. 1073.

The project for flood control, Westerly Hurricane Protection, Rhode Island, authorized by the Flood Control Act of 1965.

SOUTH CAROLINA

59 Stat. 10.

The project for navigation, Charleston Harbor, Ft. Moultrie Anchorage Area, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Myrtle Beach, Anchorage Basin, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

42 USC 1962d-5.

The project for flood control, Reedy River, Greenville, South Carolina, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 1970, and resolution of the Committee on Public Works of the Senate, dated December 1970.

TENNESSEE

The project for navigation, Cumberland River above Nashville, Tennessee, authorized by the River and Harbor Act of August 5, 1886.

The project for navigation, Hiwassee River, Polk and Bradley Counties, Tennessee, authorized by the River and Harbor Act of August 14, 1876.

The project for flood control, Rossview Lake, Tennessee and Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress. 52 Stat. 1215.

The project for hydroelectric power, Alabama-Coosa River Basin, Jacks River Lake, Tennessee, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

TEXAS

The project for flood control, Alpine, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated April 11, 1974, and resolution of the Committee on Public Works of the Senate, dated May 31, 1974.

The portion of the project for navigation, Brazos Island Harbor, Texas, authorized by the River and Harbor Act of 1960, which portion consists of the north jetty extension. 74 Stat. 480.

The project for navigation, Brazos River, Velasco to Old Washington, Texas, authorized by the River and Harbor Act of June 13, 1902. 32 Stat. 331.

The project for navigation, Cedar Bayou (mile 3.0 to mile 11.0), Harris, Texas, authorized by the River and Harbor Act of September 19, 1890, as amended by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress. 46 Stat. 918.

The feature of the navigation project for the Channel to Port Bolivar, Texas, authorized by the River and Harbor Act of March 2, 1907, Public Law 168, Fifty-ninth Congress, as amended by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1919, which feature consists of a turning basin of 750 feet wide by 1,600 feet long and 30 feet deep.

The project for flood control, Duck Creek Channel Improvement, Texas, authorized by the Flood Control Act of 1965. 79 Stat. 1073.

The portion of the project for navigation, Gulf Intracoastal Waterway Channel to Harlingen, Texas, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portion consists of a channel from mile 25.8 to mile 31.0 on the Arroyo Colorado, upstream of the turning basin between Rio Hondo and Harlingen, Texas. 59 Stat. 10.

The feature of the project for navigation, Gulf Intracoastal Waterway-Chocolate Bayou, Texas, authorized by the River and Harbor Act of 1965, which feature consists of channel enlargement to 9 by 100 feet from channel mile 8.2 to channel mile 13.2 and construction of a turning basin 600 feet wide and 9 feet deep at channel mile 13.2 on Chocolate Bayou. 79 Stat. 1089.

The portion of the project for navigation, Houston Ship Channel, Greens Bayou, Texas, authorized by the River and Harbor Act of 1965, which portion consists of the upper 1.1 mile increment of the project channel on Greens Bayou.

The portion of the project for navigation, Gulf Intracoastal Waterway, Texas, Channel Relocation in Matagorda Bay, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, as amended by the River and Harbor Act of 1925, Public Law 585, Sixty-eighth Congress, the River and Harbor Act of January 21, 1927, Public Law 560, Sixty-ninth Congress, the River and Harbor Act of July 23, 1942, Public Law 675, Seventy-seventh Congress, and the River and Harbor Act of 1962, which portion consists of the relocation of a segment of the Gulf Intracoastal Waterway in Matagorda Bay between miles 454.3 and 471.3. 61 Stat. 630. 68 Stat. 1186. 76 Stat. 1173.

The project for flood control, Lake Brownwood, Texas, authorized by the Flood Control Act of 1968. 82 Stat. 731.

84 Stat. 1818. The project for flood control, Lake Fork Lake-Lake Fork Creek, Texas, authorized by the Flood Control Act of 1970.

The project for flood control, Navasota Lake, Texas, authorized by the Flood Control Act of 1968.

42 USC 1962d-5. The project for flood control, Peyton Creek, Matagorda County, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolutions of the Committee on

100 STAT. 4220

Public Works of the House of Representatives and the Committee on Public Works of the Senate, dated October 12, 1972.

42 USC 1962d-5. The project for flood control, Plainview, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and the Committee on Public Works of the Senate, dated December 17, 1970.

79 Stat. 1089. The project for flood control, Roanoke Lake, Texas, authorized by the River and Harbor Act of 1965.

76 Stat. 1173. The portion of the project for navigation, Sabine Neches Waterway Channel to Echo, Texas, authorized by the River and Harbor Act of 1962, which portion consists of the unconstructed channel in the Sabine River between Orange and Echo, Texas.

84 Stat. 1818. The project for navigation, Sabine River, Echo to Morgan Bluff, Texas, authorized by the Flood Control Act of 1970.

79 Stat. 1073. The Liberty Local Protection feature of the project for flood control, Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

73 Stat. 478. The portion of the project for Gulf Intracoastal Waterway-Channel to Port Mansfield, Texas, authorized by section 4 of Public Law 86-248, which consists of a small craft basin at Port Mansfield, Texas.

UTAH

82 Stat. 745. The project for flood control, Weber River and Tributaries, Morgan County, Utah, authorized by section 206 of the River and Harbor Act of 1968.

VERMONT

49 Stat. 1570. The project for flood control, Bennington, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Otter Creek, Addison County, Vermont, authorized by the River and Harbor Act of June 10, 1872.

The project for flood control, Rutland Otter Creek, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress, as amended by the Flood Control Act of July 31, 1947, Public Law 296, Eightieth Congress.

VIRGINIA

68 Stat. 1248. The project for navigation, Thimble Shoal Channel, Virginia, authorized by the River and Harbor Act of 1954 consisting of side channels 32 feet deep and 450 feet wide on both sides of the 1,000-foot channel.

52 Stat. 1215. The project for flood control, water quality control, recreation, fish and wildlife enhancement, and hydroelectric power generation, Moore's Ferry Lake, Virginia and North Carolina, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

59 Stat. 10. The feature of the project for navigation, Pamunkey River, Hanover and King Counties, Virginia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of a channel 5 feet deep and 50 feet wide between Bassett Ferry and Manquin Bridge.

VIRGIN ISLANDS

The uncompleted portion of the project for navigation, Christiansted Harbor-St. Croix, Virgin Islands, authorized by the River and Harbor Act of 1950, which portion consists of an approach channel 25 feet and 300 feet wide from the Caribbean Sea to and including a turning basin 25 feet deep, approximately 600 feet wide, and 900 feet long. 64 Stat. 163.

The portion of the project for navigation, St. Thomas Harbor, Virgin Islands, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portion consists of construction of an entrance channel 36 feet deep and 600 feet wide, an anchorage area 33 feet deep, a breakwater 700 feet long between Rupert Rock and the mainland, and removal of Scorpion Rock to a depth of 36 feet.

WAKE ISLAND

The project for navigation, Wake Island Harbor, Wake Island, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

WASHINGTON

The project for flood control, Entiat River, Chelan County, Washington, authorized by the Flood Control Act of 1950. 64 Stat. 170.

The project for flood control, Lower Walla Walla River, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Methow River, Okanogan County, Washington, authorized by the Flood Control Act of 1950.

The uncompleted portion of the project for flood control, Okanogan River, Okanogan, Washington, authorized by the Flood Control Act of 1950.

The unconstructed groin feature of the project for navigation, Quillayute River, Clallam County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the project for navigation, Seattle Harbor, King County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of a settling basin located at the upper end of the existing Duwamish waterway navigation project about 1.4 miles above the 14th Avenue South Bridge.

The project for flood control, Spokane River, Spokane, Washington, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress. 52 Stat. 1215.

The project for flood control, Yakima River at Ellensburg, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Palouse River, Whitman County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Pullman Palouse River, Washington, authorized by the Flood Control Act of 1944. 58 Stat. 887.

The project for navigation, Stillaquamish River, Washington, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress. 59 Stat. 10.

WEST VIRGINIA

The project for flood control, Moundsville, Marshall County, Levees, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress. 52 Stat. 1215.

The project for flood control, Panther Creek Lake, West Virginia, authorized by the Flood Control Act of 1965. 79 Stat. 1073.

The project for flood control, Proctor, Wetzel County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Ravenswood, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Warwood, Ohio County, Wall and Drainage, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, North Wheeling, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling, Ohio County, Levees, Walls and Pumping Plant, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling Island, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Birch Lake, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Woodlands, Marshall County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

WISCONSIN

64 Stat. 170.

The project for navigation, Hudson Small Boat Harbor, Wisconsin, authorized by the Flood Control Act of 1950.

WYOMING

The project for flood control, Buffalo, Johnson County, Diversion Channel, Wyoming, authorized by the Flood Control Act of 1950.

SEC. 1003. (a) The project for flood control, Lakeport Lake, California, authorized by the Flood Control Act of 1965, is not authorized after the date of enactment of this Act.

40 USC 484.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary shall, during the five-year period beginning on the date of enactment of this Act, make all lands acquired by the United States for the Lakeport Lake project available for purchase by the Lake County Flood and Water Conservation District at the price at which such lands were acquired by the United States. Such District may waive the right to purchase any lands under the preceding sentence at any time during such period.

(c) Any conveyance of land under subsection (b) shall be made on the condition that the Lake County Flood and Water Conservation District retain title to and administer such land for flood control and related purposes. If, at any time after such conveyance, title to such land is not retained or such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

100 STAT. 4223

Kansas.
76 Stat. 1180.

SEC. 1004. (a) The Onaga Lake project, Vermillion Creek, Kansas, authorized by the Flood Control Act of 1962 (Public Law 87-874), is not authorized after the date of enactment of this Act.

84 Stat. 1830.

(b) The Secretary shall expedite the current study under section 216 of the Flood Control Act of 1970 with respect to the addition of water supply storage at Tuttle Creek Lake, Kansas.

Illinois.
Wisconsin.
Indiana.

SEC. 1005. (a) The portion of the flood control project for the Illinois River and tributaries, Illinois, Wisconsin, and Indiana, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189) which is to be located on the Sangamon River, Illinois, about 1 mile upstream from Decatur, Illinois, and which is known as the William L. Springer Lake project is not authorized after the date of enactment of this Act.

40 USC 484.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, before any lands acquired by the United States for the William L. Springer Lake project referred to in subsection (a) of this section are sold or otherwise disposed of or used for any purpose other than to carry out such project, such lands shall first be made available for purchase by the city of Decatur, Illinois, at the price at which such lands were acquired by the United States. Such lands shall remain in public ownership for use for public purposes, and if any of such lands are not so owned or used, then such lands shall revest in the United States.

Connecticut.

59 Stat. 10.

SEC. 1006. (a) The portion described in subsection (b) of the project for navigation, Mianus River, Connecticut, authorized by the River and Harbor Act approved March 2, 1945, is not authorized after the date of the enactment of this Act.

(b) The portion referred to in subsection (a) is the portion located at the northwest corner of the project and described as follows:

Beginning at a point forming the northwesterly corner of the project and designated with the coordinate of North 14297.99; East 13035.00; thence along the following four courses and distances:

(1) South 86 degrees, 22 minutes, 56 seconds East 25.00 feet (coordinate: N14297.99 E13025.00)

(2) South 3 degrees, 37 minutes, 18 seconds West 326.25 feet (coordinates N14296.251 E13049.95)

(3) South 23 degrees, 23 minutes, 64 seconds West 73.89 feet (coordinate: N13970.8 E13029.34)

(4) North 3 degrees, 37 minutes, 18 seconds East 395.78 feet (coordinate: N13903.00 E13000.00)

the point and place of beginning.

TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

SEC. 1101. CONTROL OF ICE.

33 USC 2307.

Research and development.

(a) The Secretary shall undertake a program of research for the control of ice, and to assist communities in breaking up ice, which otherwise is likely to cause or aggravate flood damage or severe streambank erosion.

State and local governments.

(b) The Secretary is further authorized to provide technical assistance to units of local government to implement local plans to control or break up such ice. As part of such authority, the Secretary shall acquire necessary ice-control or ice-breaking equipment, which shall be loaned to units of local government together with operating assistance, where appropriate.

Appropriation authorization.

(c) There is authorized to be appropriated $5,000,000 per fiscal year for each of the fiscal years 1988, 1989, 1990, 1991, and 1992 for purposes of carrying out subsections (a) and (b) of this section, such sums to remain available until expended.

Vermont.

(d) To implement further the purposes of this section, the Secretary, in consultation and cooperation with local officials, is authorized and directed to undertake a demonstration program for the control of ice at Hardwick, Vermont. The work authorized by this subsection shall be designed to minimize the danger of flooding due to ice problems in the vicinity of such community. In the design, construction, and location of ice-control structures for this project, full consideration will be given to the recreational, scenic, and environmental values of the reach of river affected by the project, in order to minimize project impacts on these values. Full opportunity shall be given to interested environmental and recreational

Appropriation authorization.

organizations to participate in such planning. There is authorized to be appropriated $900,000 for fiscal years beginning after September 30, 1986, for the purposes of carrying out this subsection, such sum to remain available until expended.

Idaho. Report.

(e)(1) The Secretary is directed to complete an experimental program placing screens in the Salmon River in the vicinity of Salmon, Idaho, to trap frazil ice, and thus to eliminate flooding caused by ice dams in the river. Within one year of the enactment of this Act, the Secretary shall report to the Congress on the feasibility of such experiment, including consideration of any adverse environmental or social effects that could result from such experiment. If, in the Secretary's judgment, such experiment is not feasible or acceptable, the Secretary is authorized to consult with local public interests to develop a plan that is workable and practical, and then to submit such plan to Congress.

Appropriation authorization. Illinois. Report.

(2) There is authorized to be appropriated $1,000,000 for fiscal years beginning after September 30, 1986, for purposes of carrying out this subsection, such sum to remain available until expended.

(f)(1) To implement further the purposes of this section, the Secretary shall carry out a project for the control of ice on the Kankakee River in the vicinity of Wilmington, Illinois. The Secretary shall report to Congress not later than one year after the date of enactment of this Act and annually thereafter on the effectiveness of the program under this section with respect to the Kankakee River in the vicinity of Wilmington, Illinois.

Appropriation authorization.

(2) There is authorized to be appropriated $3,000,000 for fiscal years beginning after September 30, 1986, for purposes of carrying out this subsection, such sum to remain available until expended.

(g) Cost sharing applicable to flood control projects under section 103 shall apply to projects under this section.

Reports.

(h) Not later than March 1, 1989, the Secretary shall report to the Congress on activities under this section.

SEC. 1102. GAULEY RIVER WHITEWATER RECREATION.

West Virginia.

(a) Whitewater recreation on the Gauley River downstream of the Summersville Lake Project in West Virginia is a project purpose of that project.

(b) During the fall flood control drawdown period for the Summersville Lake Project, the Secretary shall provide releases from the Summersville Dam for whitewater recreation in the 26 mile tailwater segment of the Gauley River commencing at the base of such dam. Such releases shall be at levels (minimum 2,500 cubic feet per second) and at times suitable for whitewater recreation. The releases shall commence on the first weekend after Labor Day of each year. In each year there shall be releases on at least 20 days during the 6-week period beginning on Labor Day. Additional releases may be provided at other times during the fall drawdown at the discretion of the Secretary.

Flood control.

(c) The Secretary may temporarily suspend (for such period as may be necessary) or modify any release required under subsection (b) when necessary for purposes of flood control or any other project purpose, or for reasons of public health and safety. Except in cases of emergency, no suspension or modification of such releases may be made solely for reasons associated with the generation of hydroelectric power at the Summersville Dam.

(d) Nothing in subsection (b) of this section shall be construed to affect the authority of the Secretary regarding releases of water from the Summersville Dam for any project purpose (including the purpose set forth in subsection (a)) at any time other than during the period specified in subsection (b).

Upper Mississippi River Management Act of 1986. 33 USC 652.

SEC. 1103. UPPER MISSISSIPPI RIVER PLAN.

(a)(1) This section may be cited as the "Upper Mississippi River Management Act of 1986".

(2) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the

intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the terms "Upper Mississippi River system" and "system" mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois;

(2) the term "Master Plan" means the comprehensive master plan for the management of the Upper Mississippi River system, dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95-502;

(3) the term "GREAT I, GREAT II, and GRRM studies" means the studies entitled "GREAT Environmental Action Team—GREAT I—A Study of the Upper Mississippi River", dated September 1980, "GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River", dated December 1980, and "GREAT River Resource Management Study", dated September 1982; and

(4) the term "Upper Mississippi River Basin Association" means an association of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, formed for the purposes of cooperative effort and united assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River System.

(c)(1) Congress hereby approves the Master Plan as a guide for future water policy on the Upper Mississippi River system. Such approval shall not constitute authorization of any recommendation contained in the Master Plan.

(2) Section 101 of Public Law 95-502 is amended by striking out the last two sentences of subsection (b), striking out subsection (i), striking out the final sentence of subsection (j), and redesignating subsection "(j)" as subsection "(i)".

42 USC 1962b-3 note.

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into negotiations for agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements. To the extent required by Article I, section 10 of the Constitution, such agreements shall become final only after ratification by an Act of Congress.

Illinois.
Iowa.
Minnesota.
Missouri.
Wisconsin.

USC prec. title 1.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

State and local governments.

(3) For the purpose of ensuring the coordinated planning and implementation of programs authorized in subsections (e) and (h)(2) of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of such programs.

(4) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such association or agency may make such comments with respect to such recommendations and offer other recommended changes to the master plan as such association or agency deems appropriate and shall transmit such comments and other recommended changes to the Secretary. The Secretary shall transmit such recommendations along with the comments and other recommended changes of such association or agency to the Congress for approval within 90 days ot the receipt of such comments or recommended changes.

Illinois.
Iowa.
Minnesota.
Missouri.
Wisconsin.
Fish and fishing.
Wildlife.

(e)(1) The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake, as identified in the master plan—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement;

100 STAT. 4227

(B) implementation of a long-term resource monitoring program; and

(C) implementation of a computerized inventory and analysis system.

Illinois.
Iowa.
Minnesota.
Missouri.
Wisconsin.
Report.

(2) Each program referred to in paragraph (1) shall be carried out for ten years. Before the last day of such ten-year period, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall conduct an evaluation of such programs and submit a report on the results of such evaluation to Congress. Such evaluation shall determine each such program's effectiveness, strengths, and weaknesses and contain recommendations for the modification and continuance or termination of such program.

Appropriation authorization.

(3) For purposes of carrying out paragraph (1)(A) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $8,200,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $12,400,000 for the second fiscal year beginning after the date of enactment of this Act, and not to exceed $13,000,000 per fiscal year for each of the succeeding eight fiscal years.

Appropriation authorization.

(4) For purposes of carrying out paragraph (1)(B) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $7,680,000 for the first fiscal year beginning after the date of enactment of this Act and not to exceed $5,080,000 per fiscal year for each of the succeeding nine fiscal years.

Appropriation authorization.

(5) For purposes of carrying out paragraph (1)(C) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $40,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $280,000 for the second fiscal year beginning after the date of enactment of this Act, not to exceed $1,220,000 for the third fiscal year beginning after the date of enactment of this Act, and not to exceed $875,000 per fiscal year for each of the succeeding seven fiscal years.

(6)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906 of this Act.

Fish and fishing.
Wildlife.

(B) Notwithstanding the provisions of subsection (a)(2) of this section, the cost of implementing the activities authorized by paragraphs (1)(B) and (1)(C) of this subsection shall be allocated in accordance with the provisions of section 906 of this Act, as if such activity was required to mitigate losses to fish and wildlife.

(7) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary, in consultation with any such agency, shall, at Federal expense, conduct an assessment of the economic benefits generated by recreational activities in the system. The cost of each such project 100 STAT. 4228
shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with title I of this Act.

Appropriation authorization.

(2)(A) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $500,000 per fiscal year for each of the first ten fiscal years beginning after the effective date of this section.

Appropriation authorization.

(B) For purposes of carrying out the assessment of the economic benefits of recreational activities as authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $300,000 per fiscal year for the first and second fiscal years beginning after the computerized inventory and analysis system implemented pursuant to subsection (e)(1)(C) of this section is fully functional and $150,000 for the third such fiscal year.

(g) The Secretary shall, in his budget request, identify those measures developed by the Secretary, in consultation with the Secretary of Transportation and any agency established under subsection (d)(1) of this section, to be undertaken to increase the capacity of specific locks throughout the system by employing nonstructural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

Illinois.
Iowa.
Minnesota.
Missouri.
Wisconsin.
Environmental protection.

(2) The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement and protection based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

Appropriation authorization.

(3) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

Illinois.
Missouri.

(j) The Secretary is authorized to provide for the engineering, design, and construction of a second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri, at a total cost of $220,000,000, with a first Federal cost of $220,000,000. Such second lock shall be one hundred and ten feet by six hundred feet and shall be constructed at or in the vicinity of the location of the replacement lock authorized by section 102 of Public Law 95-502. Section 102 of this Act shall apply to the project authorized by this subsection.

92 Stat. 1695.

SEC. 1104. ILLINOIS AND MISSISSIPPI CANAL.

Section 110(f) of the River and Harbor Act of 1958 (72 Stat. 303) is amended by striking out "$6,528,000" and inserting in lieu thereof "$15,000,000".

SEC. 1105. NEW YORK STATE BARGE CANAL.

(a) The Secretary is authorized to reimburse the State of New York for 50 percent of the cost of operating, maintaining, and rehabilitating the New York State Barge Canal. Control and operation of such canal shall continue to reside with the State of New York. The Federal contribution to the costs of rehabilitating the New York State Barge Canal shall be limited in any fiscal year to $5,000,000, or 50 percent of the expenditures in that fiscal year, whichever is the lesser.

(b) For the purposes of this section, the New York State Barge Canal is defined to be—

(1) the Erie Canal, which connects the Hudson River at Waterford with the Niagara River at Tonawanda;

(2) the Oswego Canal, which connects the Erie Canal at Three Rivers with Lake Ontario at Oswego;

(3) the Champlain Canal, which connects the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall; and

(4) the Cayuga and Seneca Canals, which connect the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Ithaca and through Seneca Lake with Montour Falls.

33 USC 661 note.

SEC. 1106. CALIFORNIA DEBRIS COMMISSION.

(a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary.

31 USC 1531 note.

(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures.

SEC. 1107. RED RIVER CHLORIDE CONTROL.

(a) The first sentence of the paragraph under the center heading "ARKANSAS AND RED RIVERS" in section 203 of the Flood Control Act of 1966 is amended by striking out "$46,400,000" and inserting in lieu thereof "$177,600,000".

80 Stat. 1419.

(b) Section 201 of the Flood Control Act of 1970, as amended by section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the heading "ARKANSAS-RED RIVER BASIN" and inserting in lieu thereof the following: "Construction shall not be initiated on any element of such project involving the Arkansas River Basin until such element has been approved by the Secretary of the Army. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to be authorized as separate projects with separate authority under section 203 of the Flood Control Act of 1966.

42 USC 1962d-5.

90 Stat. 2932.

80 Stat. 1419.

Report.
Texas.
Oklahoma.

(c) Construction of remaining elements of the project involving the Red River Basin shall be initiated in accordance with the recommendations regarding general design memorandum numbered 25 by the director of civil works on behalf of the Chief of Engineers, dated August 8, 1977. Such construction shall commence upon transmittal of a report to the Secretary and to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives of a favorable finding of the effectiveness of the operation of area VIII, to be made by a panel consisting of representatives of the United States Geological Survey and the Texas Water Commission, a person selected by the National Academy of Sciences, and two other qualified persons to be appointed by the Secretary with the concurrence of the governors of Texas and Oklahoma. The panel shall assess the improvement in water quality downstream of area VIII to determine its consistency with the water quality assumed in the development of project benefits in the economic reanalysis of the project completed in November 1980. Such report shall be submitted to the Secretary and to such committees no later than three years after the date area VIII commences operation. Cost sharing for construction on the Red River Basin project initiated under this section shall be the same as the cost sharing for area VIII of the project.

SEC. 1108. ST. JOHN'S RIVER BASIN, MAINE.

Research and development.

(a) The Secretary is authorized to implement a program of research in order to demonstrate the cropland irrigation and conservation techniques described in the report issued by the New England division engineer, dated May 1980, for the Saint John River Basin, Maine. The non-Federal share of the cost of such program shall be 35 percent.

Appropriation authorization.

(b) For the purposes of this section, there is authorized to be appropriated $1,825,000 for fiscal year 1988, $820,000 for fiscal year 1989, and $785,000 for fiscal year 1990, such sums to remain available until expended.

SEC. 1109. PROHIBITION ON GREAT LAKES DIVERSIONS.

42 USC 1962d-20.

(a) The Congress finds and declares that—

(1) the Great Lakes are a most important natural resource to the eight Great Lakes States and two Canadian provinces, providing water supply for domestic and industrial use, clean energy through hydropower production, an efficient transportation mode for moving products into and out of the Great Lakes region, and recreational uses for millions of United States and Canadian citizens;

(2) the Great Lakes need to be carefully managed and protected to meet current and future needs within the Great Lakes basin and Canadian provinces;

(3) any new diversions of Great Lakes water for use outside of the Great Lakes basin will have significant economic and environmental impacts, adversely affecting the use of this resource by the Great Lakes States and Canadian provinces; and

(4) four of the Great Lakes are international waters and are defined as boundary waters in the Boundary Waters Treaty of 1909 between the United States and Canada, and as such any new diversion of Great Lakes water in the United States would affect the relations of the Government of the United States with the Government of Canada. 36 Stat. 2448.

(b) It is therefore declared to be the purpose and policy of the Congress in this section—

(1) to take immediate action to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and in accordance with the Boundary Waters Treaty of 1909;

(2) to prohibit any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lakes States; and

(3) to prohibit any Federal agency from undertaking any studies that would involve the transfer of Great Lakes water for any purpose for use outside the Great Lakes basin.

(c) As used in this section, the term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(d) No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes basin unless such diversion is approved by the Governor of each of the Great Lake States.

Contracts.

(e) No Federal agency may undertake any study, or expend any Federal funds to contract for any study, of the feasibility of diverting water from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes basin, unless such study or expenditure is approved by the Governor of each of the Great Lakes States. The prohibition of the preceding sentence shall not apply to any study or data collection effort performed by the Corps of Engineers or other Federal agency under the direction of the International Joint Commission in accordance with the Boundary Waters Treaty of 1909.

(f) This section shall not apply to any diversion of water from any of the Great Lakes which is authorized on the date of the enactment of this Act.

SEC. 1110. BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA.

16 USC 460ee.

Section 108(k) of the Water Resources Development Act of 1974 is amended by striking out "$103,522,000" and inserting in lieu thereof "$156,122,000".

SEC. 1111. DALECARLIA RESERVOIR.

42 USC 1962d-11b.
District of Columbia.
State and local governments.

(a) The Secretary, on the recommendation of the Chief of Engineers, is authorized to permit the delivery of water from the District of Columbia water system at the Dalecarlia filtration plant, or at other points on the system, to any competent State or local authority in the Washington, District of Columbia, metropolitan area in Maryland. All of the expense of installing the connection or connections and appurtenances between the water supply systems and any subsequent changes therein shall be paid by the requesting entity, which shall also pay such charges for the use of the water as the Secretary may, from time to time in advance of delivery, determine to be reasonable. Payments shall be made at such time, and pursuant to such regulations, as the Secretary prescribes. The Secretary may revoke any permit for the use of water at any time.

Maryland.
Virginia.

(b) The Secretary is authorized to purchase water from any State or local authority in Maryland or Virginia that has, at the time of purchase, completed a connection with the District of Columbia water system. The Secretary is authorized to pay such charges for the use of the water as the Secretary has agreed upon in advance of delivery.

SEC. 1112. ABIQUIU DAM.

New Mexico.
Flood control.

Subject to section 903(a) of this Act, the Secretary is authorized to construct a set of emergency gates in the conduit of the Abiquiu Dam, New Mexico, to increase safety and enhance flood and sediment control, at a total cost of $2,700,000. The non-Federal share of the project shall be 25 percent of those costs of the project attributable to an increase in flood protection as a result of the installation of such gates.

SEC. 1113. ACEQUIAS IRRIGATION SYSTEM.

New Mexico.

(a)(1) The Congress finds that the irrigation ditch systems in New Mexico, known as the Acequia systems, date from the eighteenth century, and that these early engineering works have significance in the settlement and development of the western portion of the United States.

(2) The Congress, therefore, declares that the restoration and preservation of the Acequia systems has cultural and historic values to the region.

(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake, without regard to economic analysis, such measures as are necessary to protect and restore the river diversion structures and associated canals attendant to the operations of the community ditch and Acequia systems in New Mexico that are declared to be a political subdivision of the State of New Mexico, at a total cost of $53,300,000, with an estimated first Federal cost of $40,000,000 and an estimated first non-Federal cost of $13,300,000. The non-Federal share of any work undertaken under this section shall be 25 percent.

(c) The Secretary is further authorized and directed to consider the historic Acequia systems (community ditches) of the southwestern United States as public entities, if these systems are chartered by the respective State laws as political subdivisions of that State. This public entity status will allow the officials of these Acequia systems to enter into agreements and serve as local sponsors of water-related projects of the Secretary.

SEC. 1114. CROSS FLORIDA BARGE CANAL.

16 USC 460tt.

Fish and fishing.
Wildlife.

(a)(1) For the multiple purposes of preserving, enhancing, interpreting, and managing the water and related land resources of an area containing unique cultural, fish and wildlife, scenic, and recreational values and for the benefit and enjoyment of present and future generations and the development of outdoor recreation, there is hereby established the Cross Florida National Conservation Area (hereinafter in this section referred to as the "Conservation Area").

100 STAT. 4233

(2) The Conservation Area shall consist of all lands and interests in lands held by the Secretary for the high-level barge canal project from the Saint Johns River across the State of Florida to the Gulf of Mexico, authorized by the Act of July 23, 1942 (56 Stat. 703) (hereinafter in this section referred to as the "barge canal project"), all lands and interests in lands held by the State of Florida or the Canal Authority of such State for such project, and all lands and interests in lands held by such State or such Canal Authority and acquired pursuant to section 104 of the River and Harbor Act of 1960.

74 Stat. 484.

(3) Within the Conservation Area there is hereby designated the Conservation Management Area which shall consist of all lands and interests in lands held by the Secretary within that portion of the barge canal project that is located between the Eureka Lock and Dam and the Inglis Lock and Dam (exclusive of such structures), plus all lands and interests in lands held by the Canal Authority of the State of Florida between such structures and all lands and

interests in lands held by such State or Canal Authority and acquired pursuant to section 104 of the River and Harbor Act of 1960.

Fish and fishing.
Wildlife.

(b) Those portions of the barge canal project located between the Gulf of Mexico and the Inglis project structures and located between the Atlantic Ocean and the Eureka Lock and Dam, inclusive, shall be operated and maintained by the Secretary for the purposes of navigation, recreation, and fish and wildlife enhancement and for the benefit of the economy of the region.

(c) In order to further the purposes set forth in paragraph (a)(1) of this section, that portion of the barge canal project located between the Eureka Lock and Dam and the Inglis Lock and Dam (exclusive of such structures) is not authorized for the purposes described in the Act of July 23, 1942 (56 Stat. 703) after the date this subsection becomes effective.

(d) The State of Florida shall retain jurisdiction and responsibility over water resources planning, development, and control of the surface and ground waters pertaining to lands cited in subsections (b) and (c) of this section, except to the extent that any uses of such water resources would be inconsistent with the purposes of this section.

(e)(1) Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the United States Forest Service, the United States Fish and Wildlife Service, and the State of Florida, shall develop and transmit to Congress a comprehensive management plan for lands (including water areas) located within the Conservation Management Area.

(2) Such plan shall, at a minimum, provide for—

(A) enhancement of the environnment;

(B) conservation and development of natural resources;

(C) conservation and preservation of fish and wildlife;

(D) preservation of scenic and enhancing recreational values;

(E) a procedure for the prompt consideration of applications for easements across Conservation Management Area lands, when such easements are requested by local or State governmental jurisdictions or by a regulated public utility for a public purpose; and

(F) preservation and enhancement of water resources and water quality, including groundwater.

(3) Such plan shall establish, among the Secretary, the Forest Service, the Fish and Wildlife Service, and the State of Florida, the responsibilities for implementation of such plan.

(4) Until transmittal of such plan to Congress, the Secretary shall operate, maintain, and manage the lands and facilities held by the Secretary under the terms of subsection (c).

(5) Upon submission of such plan to Congress, the Secretary and other agencies, pursuant to the agreement under paragaraph (3) of this subsection, are authorized to implement such plan.

(6) The Secretary shall transmit recommendations for protecting and enhancing the values of the Conservation Area to Congress together with such plan.

(7) The Secretary shall consult and cooperate with other departments and agencies of the United States and the State of Florida in the development of measures and programs to protect and enhance water resources and water quality with the Conservation Area.

(f) The Secretary shall operate the Rodman Dam, authorized by the Act of July 23, 1942 (56 Stat. 703), in a manner which will assure the continuation of the reservoir known as Lake Ocklawaha. The Secretary shall not operate the Eureka Lock and Dam in a manner which would create a reservoir on lands not flooded on January 1, 1984.

(g)(1) As soon as possible, the Secretary shall acquire, for the sum of $32,000,000, all lands and interests in lands held on the date of the enactment of this Act by the Canal Authority of the State of Florida for the purposes of the barge canal project. In the event the sums available to the Secretary in any fiscal year are insufficient to purchase all such lands and interests, the State of Florida shall transfer to the Secretary that percentage of the total number of acres to be transferred that is proportionate to the sums received by the State compared with $32,000,000.

(2) From amounts received under paragraph (1) of this subsection, the Canal Authority shall forthwith make payments to the Florida counties of Duval, Clay, Putnam, Marion, Levy, and Citrus. Such payments shall, in the aggregate, be equal to $32,000,000. The amount of payment under this paragraph to each such county shall be determined by multiplying such aggregate amount by the amount of ad valorem taxes paid to the Cross Florida Canal Navigation District by such county and dividing such product by the amount of such taxes paid by all such counties.

(3) As soon as possible, the State of Florida shall transfer to the Secretary all lands and interests in lands held by the State of Florida or the Canal Authority of such State and acquired pursuant to section 104 of the River and Harbor Act of 1960. 74 Stat. 484.

(h) Subsection (c) shall become effective—

(1) 90 days after the Governor of Florida has certified to the Secretary that the State has met the conditions set out in subsection (i) of this section, unless the Secretary determines within such period that the State has failed to comply with such conditions; or

(2) on the date of the final order in a declaratory judgment action, brought by the State of Florida in a Federal District Court within Florida, finding that the State has met the conditions.

(i) Subsection (c) shall not become effective until the State of Florida enacts a law or laws which assure that—

(1) on and after the date on which construction of the portion of the barge canal project referred to in subsection (c) is no longer authorized, all lands and interests in lands held for the project by the State of Florida or the Canal Authority of such State will continue to be held by such State or canal authority pending transfer to the Secretary, as provided in this section; and

(2) on and after such date, all lands and interests in lands held by the State of Florida or the Canal Authority of such State and acquired pursuant to section 104 of the River and Harbor Act of 1960 will continue to be held by such State or Canal Authority, pending transfer to the Secretary as provided in this section; 74 Stat. 484.

(3) on and after such date, the State of Florida will never transfer to any person (except the Federal Government) any lands owned by such State or the Canal Authority of such State (except existing State roads, highways, and bridges and related rights-of-way, which may be transferred to a county or other local government) and contained within the expanded boundary of the Ocala National Forest as proposed and shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia; and

(4) the State of Florida enacts a law which assures that, on and after such date, the interests in the lands described in paragraph (1) held by the State of Florida are sufficient to carry out the purposes of this section.

SEC. 1115. ABANDONED AND WRECKED VESSELS.

The Secretary shall—

(1) remove from the Miami River and Seybold Canal in Miami, Florida, between the mouth of the Miami River and the salinity control structure of 36th Street, any abandoned vessels Florida.

and any vessels under the control of the United States by reason of their seizure or forfeiture;

New York.

(2) remove derelict vessels from the western shore of Hempstead Harbor, New York; and

Puerto Rico.

(3) remove from waters off Mona Island, Puerto Rico, the abandoned vessel "A. Regina".

The Secretary shall enter into an interagency agreement to facilitate the removal of any such vessel under the control of the United States with the head of any Federal department, agency, or instrumentality which has control of such vessel. The non-Federal share of work authorized by this section shall be one-third, except that work authorized by paragraph (3) shall be at full Federal expense.

SEC. 1116. CHATFIELD LAKE.

88 Stat. 38.

Section 88(c) of the Water Resources Development Act of 1974 is amended by—

(1) inserting after "encroachments" the following: "(other than the Mineral Avenue/Ken Caryl Road extension and associated transmission lines)"; and

(2) inserting "significantly" after "areas which would".

SEC. 1117. W.D. MAYO LOCK AND DAM.

Indians.
Oklahoma.

(a) Notwithstanding any other provision of law, the Cherokee Nation of Oklahoma is authorized to design and construct hydroelectric generating facilities at the W.D. Mayo Lock and Dam on the Arkansas River in Oklahoma, as described in the report of the Chief of Engineers dated December 23, 1981: *Provided*, That, the agreement described in subsection (d) of this section is executed by all parties described in subsection (b) of this section.

(b)(1) Conditioned upon the parties agreeing to mutually acceptable terms and conditions, the Secretary and the Secretary of Energy, acting through the Southwestern Power Administration, may enter into a binding agreement with the Cherokee Nation of Oklahoma under which the Cherokee Nation of Oklahoma agrees—

(A) to design and initiate construction of the generating facilities referred to in subsection (a) of this section within three years after the date of such agreement,

(B) to reimburse the Secretary for his costs in—

(i) approving such design and inspecting such construction, and

(ii) providing any assistance authorized under subsection (c)(2) of this section, and

(C) to release and indemnify the United States from any claims, causes of action, or liabilities which may arise from such design or construction.

(2) Such agreement shall also specify—

(A) the procedures and requirements for approval and acceptance of such design and construction are set forth,

(B) the rights, responsibilities, and liabilities of each party to the agreement are set forth, and

(3) the amount of the payments under subsection (f) of this section, and the procedures under which such payments are to be made, are set forth.

(c)(1) No Federal funds may be expended for the design or construction of the generating facilities referred to in subsection (a) of this section prior to the date on which such facilities are accepted by the Secretary under subsection (d) of this section.

(2) Notwithstanding any other provision of law, the Secretary is authorized to provide, on a reimbursable basis, any assistance requested by the Cherokee Nation of Oklahoma in connection with the design or construction of the generating facilities referred to in subsection (a) of this section.

(d)(1) Notwithstanding any other provision of law, upon completion of the construction of the generating facilities referred to in subsection (a) of this section, and final approval of such facilities by the Secretary—

(A) the Cherokee Nation of Oklahoma shall transfer title to such facilities to the United States, and

(B) the Secretary shall—

(i) accept the transfer of title to such generating facilities on behalf of the United States, and

(ii) operate and maintain such facilities.

(2) The Secretary is authorized to accept title to such facilities only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(e) Pursuant to any agreement under subsection (b) of this section, the Southwestern Power Administration shall market the excess power produced by the generating facilities referred to in subsection (a) of this section in accordance with section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s).

(f) Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southwestern Power Administration, is authorized to pay to the Cherokee Nation of Oklahoma, in accordance with the terms of the agreement entered into under subsection (b) of this section, out of the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southwestern Power Administration—

(1) all reasonable costs incurred by the Cherokee Nation of Oklahoma in the design and construction of the generating facilities referred to in subsection (a) of this section, including the capital investment in such facilities and a reasonable rate of return on such capital investment, and

(2) for a period not to exceed fifty years, a reasonable annual royalty for the design and construction of the generating facilities referred to in subsection (a) of this section.

(g) Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southwestern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the generating facilities referred to in subsection (a) of this section with funds contributed by non-Federal sources, and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southwestern Power Administration.

Appropriation authorization.

(h) There are authorized to be appropriated to the Secretary for the fiscal year in which title to the generating facilities is transferred and accepted under subsection (d) of this section, and for each succeeding fiscal year, such sums as may be necessary to operate and maintain such facilities.

33 USC 59n-1.

SEC. 1118. CAVEN POINT, NEW JERSEY.

That portion of the Hudson River in the New York Bay consisting of—

(1) all that piece or parcel of land, containing 120.54 acres, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area; and

(2) all that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185,

more particularly described in the Congressional Record dated March 11, 1986, pages S2446–2447, is hereby declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States, except for the purposes of the Federal Water Pollution Control Act. 33 USC 1251 note.

100 STAT. 4238

SEC. 1119. SUNSET HARBOR, CALIFORNIA.

Report.

(a) The Secretary is directed to expedite completion of the feasibility study of the navigation project for Sunset Harbor, California, at a total cost of $900,000, and to submit a report to Congress on the results of such study not later than October 1, 1987.

Flood control.

(b) Upon execution of agreements by the State of California or local sponsors, or both, for preservation and mitigation of wetlands areas and appropriate financial participation, the Secretary is authorized to participate with appropriate non-Federal sponsors in a project to demonstrate the feasibility of non-Federal cost sharing under the provisions of section 916 of this Act. Such project shall consist of the project for navigation, flood control, and protection of the Seal Beach Naval Weapons Station at Sunset Beach Harbor, Bolsa Chica Bay, California, at a total cost of $89,600,000, with an estimated first Federal cost of $44,800,000 and an estimated first non-Federal cost of $44,800,000, including such modifications as the Secretary may determine are advisable. The Secretary shall not undertake construction without the concurrence of the Secretary of the Navy on measures to protect the Naval Weapons Station. The Secretary shall, not later than two years after the date of enactment of this Act, make a determination of financial feasibility of the project and, to the extent possible, transmit a copy of a final feasibility study and copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Agreements for local financial participation shall include the agreements set forth in section 916 so as to meet non-Federal contributions during the period of construction as required by Federal law as administered by the Secretary, together with full amortization of the remaining Federal investment, including costs of project feasiblility studies. 42 USC 4332.

SEC. 1120. HILLTOP AND GRAY GOOSE IRRIGATION DISTRICTS.

South Dakota.

(a) The existing irrigation projects known as the Hilltop Irrigation District, Brule County, South Dakota, and the Gray Goose Irrigation District, Hughes County, South Dakota, are authorized as units of the Pick-Sloan Missouri Basin Program. As so authorized, the Hilltop Unit and the Gray Goose Unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891), as amended and supplemented, and subject to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto).

(b) Pick-Sloan Missouri Basin Program power shall be made available as soon as practicable for the Hilltop Unit and the Gray Goose Unit on the same basis as for other units of the Pick-Sloan Missouri Basin Program. The suballocated costs of the Pick-Sloan Missouri Basin Program assigned to the Hilltop Unit and the Gray Goose Unit shall be reimbursed by the water users as determined by the Secretary of the Interior in accordance with Federal reclamation law (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto).

SEC. 1121. OGALLALA AQUIFER.

42 USC 10301 note.

(a) The Congress finds that—

(1) the Ogallala aquifer lies beneath, and provides needed water supplies to, the 8 States of the High Plains Region: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming;

(2) the High Plains region has become an important source of agricultural commodities and livestock for domestic and international markets, providing 15 percent of the Nation's supply of wheat, corn, feed grains, sorghum, and cotton, plus 38 percent of the value of livestock raised in the United States; and

(3) annual precipitation in the High Plains region ranges from 15 to 22 inches, providing inadequate supplies of surface water and recharging of the Ogallala aquifer needed to sustain the agricultural productivity and economic vitality of the High Plains region.

(b) It is, therefore, the purpose of this section to establish a comprehensive research and development program to assist those portions of the High Plains region dependent on water from the Ogallala aquifer to—

(1) plan for the development of an adequate supply of water in the region;

(2) develop and provide information and technical assistance concerning water-conservation management practices to agricultural producers in the region;

(3) examine alternatives for the development of an adequate supply of water for the region; and

(4) develop water-conservation management practices which are efficient for agricultural producers in the region.

(c) The Water Resources Research Act (Public Law 98-242) is amended by adding at the end thereof the following new title:

"TITLE III—OGALLALA AQUIFER RESEARCH AND DEVELOPMENT

"SEC. 301. (a) There is hereby established the High Plains Study Council composed of—

42 USC 10301 note.

"(1) the Governor of each State of the High Plains region (defined for the purposes of this title as the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming and referred to hereinafter in this title as the 'High Plains region'), or a designee of the Governor;

"(2) a representative of the Department of Agriculture; and

"(3) a representative of the Secretary.

"(b) The Council established pursuant to this section shall—

"(1) review research work being performed by each State committee established under section 302 of this Act; and

"(2) coordinate such research efforts to avoid duplication of research and to assist in the development of research plans within each State of the High Plains region that will benefit the research needs of the entire region.

"SEC. 302. (a) The Secretary shall establish within each State of the High Plains region an Ogallala aquifer technical advisory committee (hereinafter in this title referred to as the 'State committee'). Each State committee shall be composed of no more than seven members, including—

42 USC 10301 note.

"(1) a representative of the United States Department of Agriculture;

"(2) a representative of the Secretary; and

"(3) at the appointment of the Governor of the State, five representatives from agencies of that State having jurisdiction over water resources, the agricultural community, the State Water Research Institute (as designated under this Act), and others with a special interest or expertise in water resources.

"(b) The State committee established pursuant to subsection (a) of this section shall—

State and local governments.

"(1) review existing State laws and institutions concerning water management and, where appropriate, recommend changes to improve State or local management capabilities and more efficiently use the waters of such State, if such a review is not already being undertaken by the State;

Research and development.

"(2) establish, in coordination with other State committees, State priorities for research and demonstration projects involving water resources; and

Public information. Education. Conservation.

"(3) provide public information, education, extension, and technical assistance on the need for water conservation and information on proven and cost-effective water management.

"(c) Each State committee established pursuant to this section shall elect a chairman, and shall meet at least once every three months at the call of the chairman, unless the chairman determines, after consultation with a majority of the members of the committee, that such a meeting is not necessary to achieve the purposes of this section.

Research and development. 42 USC 10301 note.

"SEC. 303. The Secretary shall annually allocate among the States of the High Plains region funds authorized to be appropriated for this section for research in—

"(1) water-use efficiency;
"(2) cultural methods;
"(3) irrigation technologies;
"(4) water-efficient crops; and
"(5) water and soil conservation.

Schools and colleges.

Funds distributed under this section shall be allocated to each State committee for use by institutions of higher education within each State. To qualify for funds under this section an institution of higher education shall submit a proposal to the State committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State committee on the basis of merit.

42 USC 10301 note.

"SEC. 304. The Secretary shall annually divide funds authorized to be appropriated under this section among the States of the High Plains region for research into—

"(1) precipitation management;
"(2) weather modification;
"(3) aquifer recharge opportunities;
"(4) saline water uses;
"(5) desalinization technologies;
"(6) salt tolerant crops; and
"(7) ground water recovery.

Schools and colleges. Grants.

Funds distributed under this section shall be allocated by the Secretary to the State committee for distribution to institutions of higher education within such State. To qualify for a grant under this section, an institution of higher education shall submit a research

100 STAT. 4241

proposal to the State committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State committee on the basis of merit.

Grants. Farms and farming. 42 USC 10301 note.

"SEC. 305. The Secretary shall annually allocate among the States of the High Plains region funds authorized to be appropriated under this section for grants to farmers for demonstration projects for—

"(1) water-efficient irrigation technologies and practices;
"(2) soil and water conservation management systems; and
"(3) the growing and marketing of more water-efficient crops.

Grants under this section shall be made by each State committee in amounts not to exceed 85 percent of the cost of each demonstration project. To qualify for a grant under this section, a farmer shall submit a proposal to the State committee describing the costs, methods, and goals of the proposed project. Proposals shall be selected by the State committee on the basis of merit. Each State committee shall monitor each demonstration project to assure

proper implementation and make the results of the project available to other State committees.

"Sec. 306. The Secretary, acting through the United States Geological Survey and in cooperation with the States of the High Plains region, is authorized and directed to monitor the levels of the Ogallala aquifer, and report annually to Congress.

Reports.
42 USC 10301 note.

"Sec. 307. The amount of any allocation of funds to a State under this title shall not exceed 75 percent of the cost of carrying out the purposes for which the grant is made.

Grants.
42 USC 10301 note.

"Sec. 308. Not later than one year after the date of enactment of this title, and at intervals of one year thereafter, the Secretary shall prepare and transmit to the Congress a report on activities undertaken under this title.

Reports.
42 USC 10301 note.

"Sec. 309. (a) For each of the fiscal years ending September 30, 1987, through September 30, 1991, the following sums are authorized to be appropriated to the Secretary to implement the following sections of this title, and such sums shall remain available until expended:

Appropriation authorization.
42 USC 10301 note.

"(1) $600,000 for the purposes of section 302;
"(2) $4,300,000 for the purposes of section 303;
"(3) $2,200,000 for the purposes of section 304;
"(4) $5,300,000 for the purposes of section 305; and
"(5) $600,000 for the purposes of section 306.

"(b) Funds made available under this title for distribution to the States of the High Plains region shall be distributed equally among the States.".

SEC. 1122. PICK-SLOAN PROGRAM.

The Pick-Sloan Missouri Basin Program shall be prosecuted, as authorized and in accordance with applicable laws including the requirements for economic feasibility, to its ultimate development on an equitable basis as rapidly as may be practicable, within the limits of available funds and the cost recovery and repayment principles established by Senate Report Numbered 470 and House of Representatives Report Numbered 282, Eighty-ninth Congress, first session. Nothing in this section shall be deemed to amend or alter the cost recovery or repayment provisions for the Garrison Diversion Unit, North Dakota, as set forth in Public Law 99-294.

North Dakota.

Ante, p. 418.

100 STAT. 4242

SEC. 1123. FEDERAL TOWNSITES.

The section entitled "Transfer of Federal Townsites" in the Supplemental Appropriation Act, 1985, title I, chapter IV (Public Law 99-88; 99 Stat. 317) is amended as follows:

(1) Subsection (a)(1) is amended by striking out "without warranty of any kind" and inserting in lieu thereof "by warranty deed, said deed to include a covenant to defend title to the property".

(2) Subsection (a)(1)(A) is amended by—

(A) inserting "(i)" after "(A)", and

(B) adding at the end the following:

"(ii) The land utilized as a sanitary landfill by Riverdale, North Dakota, consisting of approximately ninety-six acres.

North Dakota.

"(iii) The peripheral utility improvements at Riverdale, North Dakota, developed for, or being utilized as, sewage lagoons; the sewer pipeline extending from the townsite boundary to said lagoons; any outfall facilities or control structures in conjunction therewith; the water pipeline extending from the exterior boundaries of the powerplant to the townsite; and appropriate easements of right-of-way for the access to, and operation and maintenance of said improvements.".

(3) Subsection (a)(1)(B) is amended by—

(A) inserting "(i)" after "(B)", and

(B) adding at the end the following:

South Dakota.

"(ii) The land utilized as a sanitary landfill by Pickstown, South Dakota, consisting of approximately twenty-three acres.

South Dakota.

"(iii) The peripheral utility improvements at Pickstown, South Dakota, developed for, or being utilized as, sewage lagoons; water treatment plant; water intake structure; the sewer pipeline extending from the townsite boundary to the sewer lagoons; any outfall facilities or control structures in conjunction therewith; the water pipeline extending from the water intake to the water treatment plant and to the townsite boundary; and appropriate easements of right-of-way for access to, and operation and maintenance of, said improvements.".

(4) Subsection (a)(1)(C) is amended by—

(A) inserting "(i)" after "(C)", and

(B) adding at the end the following:

Montana.

"(ii) The peripheral utility improvements at Fort Peck, Montana, developed and being utilized as a water storage reservoir; the sewer pipeline extending from the townsite boundary to the sewer lift station; the sewer lift station; the sewer pipeline extending from the sewer lift station to the sewage lagoon; the emergency outfall line extending from the sewer lift station to the Missouri River; the water pipelines extending from the exterior boundaries of the powerplant to the townsite boundary; the water pipeline extending from the townsite boundary to the water reservoir; and appropriate easements of right-of-way to the municipal corporation for access to, and operation and maintenance of, said improvements.".

(5) Subsection (b) is amended by inserting "or surplus" after "excess" and by striking out "subsection 3(e)" and inserting in lieu thereof "section 3".

Montana.

(6) Subsection (c) is amended by adding at the end thereof: "Nothing in this provision prohibits the Secretary from placing reasonable covenants in those deeds transferring improvements having significant historical, cultural, or social value in Fort Peck, Montana.".

100 STAT. 4243

North Dakota.
South Dakota.
Montana.

(7) The Administrator of the Western Area Power Administration is authorized to allocate power from the Pick-Sloan Missouri Basin Program (P–SMBP) to the municipal corporations of Riverdale, North Dakota, Pickstown, South Dakota, and Fort Peck, Montana, or to such other preference entity as the Administrator may designate to provide electrical service to said municipal corporations. Such allocations shall be in the amount required to meet the annual loads established prior to the date of enactment of this Act, and under terms and conditions for marketing firm power from the P–SMBP: Except, That upon request of a municipal corporation specified in this subsection, the Secretary shall continue to operate municipal or community owned facilities for a period not to exceed three years from the date of incorporation of such municipal corporation.

SEC. 1124. SOURIS RIVER BASIN.

Canada.
Flood control.

(a)(1) On behalf of the United States, the Secretary, in consultation with the Secretary of State, is authorized to cooperate with governments in Canada to study and to construct reservoir projects for storage in the Souris River Basin in Canada to provide flood control benefits in the United States.

(2) The Secretary is authorized further to participate in financing the storage referred to in paragraph (1) of this subsection to a maximum contribution of $26,700,000, in the event that only one reservoir, known as the Rafferty project, is constructed in Canada, or to a maximum of $41,100,000, in the event two reservoirs, known as the Rafferty and Alameda projects, are constructed in Canada. The amount of any such contribution shall be determined by an

allocation of costs, based on the proportionate use of these projects for flood control in the United States and water supply in Canada.

North Dakota.

84 Stat. 1818.

(b) Upon completion of the structure or structures in Canada, as agreed upon between the United States and governments in Canada, the construction of Burlington Dam, North Dakota, as authorized by Public Law 91-611, and modifications at Lake Darling, North Dakota, to raise the level of the dam structure, as authorized by section 111 of the Energy and Water Development Appropriation Act, 1982 (Public Law 97-88; 95 Stat. 1138), shall no longer be authorized. Should the Secretary determine that an agreement between the United States and governments in Canada cannot be consummated, he shall proceed with the work authorized by section 111 of such Act, including raising the dam structure and including storage capacity for flood control purposes, with such work to be considered a nonseparable element of the flood control project for Minot, North Dakota, authorized under section 201 of the Flood Control Act of 1965.

42 USC 1962d-5.

North Dakota.

(c) The Secretary is authorized further to make such modifications as necessary to the existing Lake Darling, exclusive of the modifications authorized by section 111 of the Energy and Water Development Appropriation Act, 1982, for the purpose of effective operation of the project for flood control, with such work considered to be a nonseparable element of the flood control project for Minot, North Dakota, authorized under section 201 of the Flood Control Act of 1965, and to operate and maintain the project with such modifications in a manner compatible with the migratory waterfowl refuge purpose of the project.

100 STAT. 4244

(d) The non-Federal share of the cost of contributions to governments in Canada, as authorized by this section, shall be in accordance with title I of this Act for the amount over $23,600,000. The total Federal cost of work authorized by this section and by section 111 of the Energy and Water Development Appropriation Act, 1982, as modified herein, and including related dam safety measures, is $69,100,000.

95 Stat. 1138.

SEC. 1125. GARRISON LAND TRANSFER.

(a) Except as otherwise provided in this section, all rights, title, and interests of the United States in the lands described in subsection (b), including all improvements thereon, are hereby declared to be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation and to be part of the Fort Berthold Reservation.

(b) The lands held in trust under subsection (a) are—

North Dakota.

(1) approximately 136.44 acres lying above elevation 1850 feet (mean sea level) and the probable ultimate erosion line (other than those portions which lie north of North Dakota State Highway 23) in the following sections of township 152 north, range 93 west of the Fifth Principal Meridian, McKenzie County, North Dakota:

Section 15: south half of the southwest quarter,

Section 21: northeast quarter and northwest quarter of the southeast quarter, and

Section 22: north of the half northwest quarter; and

(2) approximately 16.40 acres lying above elevation 1850 feet (mean sea level) situated in the west half southwest quarter, section 15, township 152 north, range 93 west of the Fifth Principal Meridian, McKenzie County, North Dakota, and more particularly described as follows:

Commencing at the quarter corner common to sections 15 and 16; thence east along the quarter line a distance of 1,320.0 feet to the true point of beginning; thence north 45 degrees 0 minutes east a distance of 891.0 feet; thence south 0 degrees 3 minutes east a distance of 1,518.0 feet; thence to a point on a line which bears south 0 degrees 3 minutes east from the point of beginning; thence north 0 degrees 3 minutes west to the point of beginning.

(c) In consideration for the transfer in trust described above, the Secretary of the Interior shall transfer to the United States lands of equal value held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation which are required for the maintenance and operation of the Garrison Dam and Reservoir Project: *Provided*, That the Tribes shall retain the right to use such lands for grazing purposes when such lands are not subject to flooding. The United States shall not be responsible for damages to property or injuries to persons which may arise from, or be incident to, the use of said lands.

Flood control.

(d) The United States hereby retains a flowage and sloughing easement for the purpose of flood control and related Garrison Dam and Reservoir project purposes over that portion of the lands described in subsection (b) that lie below the greater elevation of—

100 STAT. 4245

(1) 1860 feet (mean sea level), or

(2) any alignment the Secretary determines to be necessary for such project operations.

SEC. 1126. CONTRACT SETTLEMENT.

The Secretary is authorized to pay the Federal share of the settlement amount, and any associated interest, resulting from the decision of the Engineer Board of Contract Appeals in ENC BCA Docket Numbered 4650 (June 28, 1985), notwithstanding the Federal cost limitation set out in section 84(c) of the Water Resources Development Act of 1974 (Public Law 93-251).

87 Stat. 36.

33 USC 2308.

SEC. 1127. CAMPGROUNDS FOR SENIOR CITIZENS.

(a) The Secretary may establish and develop separate campgrounds for individuals sixty-two years of age or older at any lake or reservoir under the jurisdiction of the Secretary where camping is permitted.

(b) The Secretary may prescribe regulations to control the use of and the access to any separate campground established and developed under subsection (a) of this section.

Appropriation authorization.

(c) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1986, to carry out subsection (a) of this section.

Texas.

(d) The Secretary shall establish and develop the parcel of land (located in the State of Texas at the Sam Rayburn Dam and Reservoir) described in subsection (g) of this section as a separate campground for individuals sixty-two years of age or older.

Regulations.

(e) The Secretary shall prescribe regulations to control the use of and the access to the separate campground established and developed pursuant to subsection (d) of this section.

Appropriation authorization.

(f) There are authorized to be appropriated for fiscal years beginning after September 30, 1986, $600,000 to carry out subsection (d) of this section.

Texas.

(g) The parcel of land to be established and developed as a separate campground pursuant to subsection (d) of this section is a tract of land of approximately 50 acres which is located in the county of Angelina in the State of Texas and which is part of the Thomas Hanks survey. The boundary of the parcel begins at a point at the corner furthest west of tract numbered 3420 of the Sam Rayburn Dam and Reservoir:

thence north 81 degrees 30 minutes east, approximately 2,800 feet to a point at the edge of the water;

thence south along the edge of the water approximately 2,600 feet;

thence north 80 degrees 30 minutes west, approximately 1,960 feet to a point at the reentrant corner of tract numbered 3419 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3419 north 46 degrees 15 minutes west, 220 feet to a point at the center line of a road at the corner common to tract numbered 3419 and tract numbered 3420;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 230 feet to a point at the corner furthest east of tract numbered 3424 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3424 south 32 degrees 4 minutes west, 420 feet to a point;

thence along the boundary line of tract numbered 3424 north 28 degrees 34 minutes west, 170 feet to a point;

thence along the boundary line of tract numbered 3424 north 38 degrees 15 minutes east, 248 feet to a point;

thence along the boundary line of tract numbered 3424 north 32 degrees 44 minutes east, 120 feet to a point at the corner furthest north of tract numbered 3424;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 460 feet to the beginning point.

SEC. 1128. MERAMEC RIVER, MISSOURI.

Section 2(h) of the Act entitled "An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers" (Public Law 97-128) is amended by striking out "Saint Louis and Jefferson Counties, Missouri." and inserting in lieu thereof "Saint Louis, Jefferson, and Franklin Counties (including the community of Pacific, Missouri), Missouri.".

95 Stat. 1681.

SEC. 1129. BUFFALO HARBOR DRIFT REMOVAL.

(a) Section 202(f) of the Water Resources Development Act of 1976 is amended to read as follows:

33 USC 426m.

Appropriation authorization.

"(f) There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years beginning after September 30, 1986.".

New York.

(b) Subject to section 903(a) of this Act, the Secretary is authorized to develop, implement, and maintain a project under section 202 of the Water Resources Development Act of 1976 for removal of drift and debris from Buffalo Harbor, New York, and removal of dilapidated structures from the adjacent shoreline, in accordance with such report, at a total cost of $2,130,000, with an estimated first Federal cost of $1,065,000 and an estimated first non-Federal cost of $1,065,000.

SEC. 1130. NORFOLK DAM AND LAKE BRIDGE.

Section 16(b) of the Water Resources Development Act of 1974 (88 Stat. 18) is amended by striking out "$1,342,000" and all that follows through the period at the end of such section and inserting in lieu thereof "$2,482,000.".

SEC. 1131. DELAWARE RIVER.

With respect to the navigation project for the Delaware River, Philadelphia to the sea, the Secretary—

New Jersey.

(1) shall conduct continuous monitoring of the materials being disposed of at the area known as the Penns Grove Disposal Area in Carneys Point, New Jersey;

(2) shall conduct continuous monitoring to ensure that there is no leakage into or contamination of any underground aquifer from such area;

(3) shall not fill such area, or allow such area to be filled, to an elevation in excess of ten feet; and

(4) shall not use, or allow to be used, for disposal of dredged material from such project any area immediately adjacent to the Penns Grove Disposal Area.

SEC. 1132. GREAT LAKES MARKETING BOARD.

33 USC 2309.

(a) To ensure the coordinated economic revitalization and environmental enhancement of the Great Lakes and their connecting chan-

100 STAT. 4247 nels and the Saint Lawrence Seaway (hereinafter in this section referred to as the "Great Lakes"), known as the "Fourth Seacoast" of the United States, it is hereby declared to be the intent of Congress to recognize the importance of the economic vitality of the Great Lakes region, the importance of exports from the region in the United States balance of trade, and the need to assure an environmentally and socially responsible navigation system for the Great Lakes. Congress finds that the Great Lakes provide a diversity of agricultural, commercial, environmental, recreational, and related opportunities based on their extensive water resources and water transportation systems.

(b)(1) There is hereby established a Board to be known as the Great Lakes Commodities Marketing Board (hereinafter in this subsection referred to as the "Board").

(2)(A) The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes.

(B) The strategy shall address, among other things, environmental issues relating to transportation on the Great Lakes and marketing difficulties experienced due to late harvest seasons in the Great Lakes region. The strategy shall include, as appropriate alternative storage, sales, marketing, multimodal transportation systems, and other systems, to assure optimal economic benefits to the region from agricultural and other commercial activities. The strategy shall develop—

(i) methods to improve and promote both bulk and general cargo trade through Great Lakes ports;

(ii) methods to accelerate the movement of grains and other agricultural commodities through the Great Lakes;

(iii) methods to provide needed flexibility to farmers in the Great Lakes region to market grains and other agricultural commodities; and

(iv) methods and materials to promote trade from the Great Lakes region and through Great Lakes ports, particularly with European, Mediterranean, African, Caribbean, Central American, and South American nations.

(C) In developing the strategy, the Board shall conduct and consider the results of—

(i) an analysis of the feasibility and costs of using iron ore vessels, which are not being utilized, to move grain and other agricultural commodities on the Great Lakes;

(ii) an economic analysis of transshipping such commodities through Montreal, Canada, and other ports;

(iii) an analysis of the economic feasibility of storing such commodities during the non-navigation season of the Great Lakes and the feasibility of and need for construction of new storage facilities for such commodities;

(iv) an analysis of the constraints on the flexibility of farmers in the Great Lakes region to market grains and other agricultural commodities, including harvest dates for such commodities and the availability of transport and storage facilities for such commodities; and

(v) an analysis of the amount of grain and other agricultural commodities produced in the United States which are being diverted to Canada by rail but which could be shipped on the Great Lakes if vessels were available for shipping such products during the navigation season. 100 STAT. 4248

(D) In developing the strategy, the Board shall consider weather problems and related costs and marketing problems resulting from the late harvest of agricultural commodities (including wheat and sunflower seeds) in the Great Lakes region.

(E) In developing the strategy, the Board shall consult United States ports on the Great Lakes and their users, including farm organizations (such as wheat growers and soybean growers), port authorities, water carrier organizations, and other interested persons.

(3) The Board shall be composed of seven members as follows:

(A) the chairman of the Great Lakes Commission or his or her delegate,

(B) the Secretary or his or her delegate,

(C) the Secretary of Transportation or his or her delegate,

(D) the Secretary of Commerce or his or her delegate,

(E) the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate,

(F) the Secretary of Agriculture or his or her delegate, and

(G) the Administrator of the Environmental Protection Agency or his or her delegate.

(4)(A) Members of the Board shall serve for the life of the Board.

(B) Members of the Board shall serve without pay and those members who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the Board, except that members of the Board shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business and engaged in the actual performance of duties vested in the Board.

5 USC 5701 *et seq.*

(C) Four members of the Board shall constitute a quorum but a lesser number may hold hearings.

(D) The co-chairmen of the Board shall be the Secretary or his or her delegate and the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate.

(E) The Board shall meet at the call of the co-chairmen or a majority of its members.

(5)(A) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director, who shall be appointed by the Board and shall be paid at a rate which the Board considers appropriate.

(B) Subject to such rules as may be prescribed by the Board, without regard to 5311(b) of title 5, United States Code, the Board may appoint and fix the pay of such additional personnel as the Board considers appropriate.

(C) Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this subsection.

(6)(A) The Board may, for purposes of carrying out this subsection, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate.

(B) Any member or agent of the Board may, if so authorized by the Board, take any action which the Board is authorized to take by this paragraph.

(C) The Board may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon request of the co-chairmen of the Board, the head of such department or agency shall furnish such information to the Board.

(D) The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(E) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

Reports.

(7) Not later than September 30, 1989, the Board shall transmit to the President and to each House of the Congress a report stating the strategy developed under this subsection and the results of each analysis conducted under this subsection. Such report shall contain a detailed statement of the findings and conclusions of the Board

together with its recommendations for such legislative and administrative actions as it considers appropriate to carry out such strategy and to assure maximum economic benefits to the users of the Great Lakes and to the Great Lakes region.

Termination date.

(8) The Board shall cease to exist 180 days after submitting its report pursuant to this subsection.

Appropriation authorization.

(9) The non-Federal share of the cost of carrying out this subsection shall be 25 percent. There is authorized to be appropriated such sums as may be necessary to carry out the Federal share of this subsection for fiscal years beginning after September 30, 1986, and ending before October 1, 1990.

President of U.S. Canada.

(c)(1) The President shall invite the Government of Canada to join in the formation of an international advisory group whose duty it shall be (A) to develop a bilateral program for improving navigation, through a coordinated strategy, on the Great Lakes, and (B) to conduct investigations on a continuing basis and make recommendations for a system-wide navigation improvement program to facilitate optimum use of the Great Lakes. The advisory group shall be composed of five members representing the United States, five members representing Canada, and two members from the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448). The five members representing the United States shall include the Secretary of State, one member of the Great Lakes Commodities Marketing Board (as designated by the Board), and three individuals appointed by the President representing commercial, shipping, and environmental interests, respectively.

(2) The United States representatives to the international advisory group shall serve without pay and the United States representatives to the advisory group who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the advisory group, except that the United States representatives shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business and engaged in the actual performance of duties vested in the advisory group.

5 USC 5701 *et seq.*

Reports.

100 STAT. 4250

(3) The international advisory group established by this subsection shall report to Congress and to the Canadian Parliament on its progress in carrying out the duties set forth in this subsection not later than one year after the formation of such group and biennially thereafter.

Research and development. Fish and fishing. Wildlife.

(d) The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1988, and a final report of such review along with recommendations not later than September 30, 1990.

Report.

SEC. 1133. GREAT MIAMI RIVER BASIN.

The prohibitions and provisions for review and approval of activities in waters of the United States as set forth in sections 9, 10, and 13 of the Act of March 3, 1899 (30 Stat. 1151) and the first section of the Act of June 13, 1902 (32 Stat. 371) shall not apply to any works or improvements constructed or maintained now or in the future in the Great Miami River Basin, the Great Miami River, and the tributaries of the Great Miami River above river mile 7.5, by any political subdivision established pursuant to chapter 6101, Ohio, Revised Code, as in effect on July 1, 1983.

16 USC 460d note.

SEC. 1134. CABIN SITE LEASES.

(a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees (1) to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease, and (2) to not unreasonably expand existing improvements.

(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) o. this subsection.

(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if—

(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

(B) the leaseholder substantially violates a provision of such lease.

(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.

(d) On and after December 31, 1989, no houseboat, boathouse, floating cabin, sleeping facilities at marinas, or lawfully installed dock or appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act, if (1) such property is maintained in usable and safe condition, (2) such property does not occasion a threat to life or property, and (3) the holder of the lease, permit, or license is in substantial compliance with the existing lease or license, except where necessary for immediate use for public purposes or other higher public use or for a navigation or flood control project.

Georgia. Real property.

(e) In any case in which a person holds a lease of property at Clarks Hill Reservoir, Georgia, which is terminated under this section on or after December 31, 1989, the Secretary shall offer for sale to such person real property at Clarks Hill Reservoir which is owned by the United States and is not needed for the project (if there is any such property). The property offered for sale shall be approximately equal in size to the property that was subject to such lease. The Secretary shall offer any such property for sale at the fair market value of the property, as determined by the Secretary. Each offer under this subsection shall be made on or before the date on which the lease is terminated and shall be open to such person for 18 months from the time the offer is made. As a condition to a sale under this subsection, the leaseholder shall restore the property subject to the terminated lease to a condition acceptable to the Secretary.

33 USC 2294 note.

SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT

(a) The Secretary is authorized to review the operation of water resources projects constructed by the Secretary before the date of enactment of this Act to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest.

(b) The Secretary is authorized to carry out a demonstration program in the two-year period beginning on the date of enactment of this Act for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary before the date of enactment of this Act which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest. The non-Federal share of the cost of any modifications carried out under this section shall be 25 percent.

(c) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

Reports.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.

100 STAT. 4252

Appropriation authorization.

(e) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

SEC. 1136. WHITEWATER RIVER, CALIFORNIA.

(a) The Secretary is hereby authorized to develop and implement a flood warning system for the Whitewater River, San Bernadino and Riverside Counties, California, at a total cost of $300,000.

(b) Prior to installation, local interests shall agree to operate and maintain the system authorized by subsection (a), and develop, maintain, and implement emergency evacuation plans satisfactory to the Secretary.

SEC. 1137. REND LAKE.

Contracts.
Illinois.

The Secretary shall amend the contract between the State of Illinois and the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois to relieve the State of Illinois of the requirement to make annual payments for that portion of the maintenance and operation costs applicable to future water supply storage as is consistent with the Water Supply Act of 1958 (Public Law 85-500). The relief provided by the preceding sentence shall apply for 5 years after the date of enactment of this Act or until the storage space is used, whichever first occurs, and shall apply in such proportion as the storage is used for water supply purposes.

72 Stat. 297.

SEC. 1138. POE LOCK STUDY.

Report.

The Secretary shall expedite completion of the study of a new lock parallel to the existing Poe Lock being undertaken as part of the study of additional locks on the Saint Lawrence Seaway and shall submit to the Congress a report on such additional lock not later than March 31, 1987.

SEC. 1139. PORT OF BUFFALO.

Grants.

The Secretary of Commerce, acting through the Economic Development Administration, shall make a grant to the Niagara Frontier Transportation Authority, Port of Buffalo, for the construction and improvement of facilities, including the construction of covered bulk storage facilities, additional paved wharf area, bulkheading up to a total length of 1,000 feet sufficient to facilitate a 1,000-foot class X vessel or a 730-foot class VII vessel, and other projects consistent with implementation of the master plan for the Port of Buffalo. The non-Federal share of the cost of the project authorized by this section shall be 50 percent. There is authorized to be appropriated $3,500,000 to carry out this section.

Appropriation authorization.

SEC. 1140. BEAVER RIVER, PENNSYLVANIA.

The Secretary is authorized to carry out planning, engineering, and design for a project to construct and maintain a navigation channel 9 feet deep and 100 feet wide from the mouth of the Beaver River at Bridgewater, Pennsylvania, a distance of approximately three miles upriver, to the dam at New Brighton, at a total cost of $175,000.

SEC. 1141. GROUNDWATER RECHARGE.

State and local governments.
Arizona.

The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to carry out planning, engineering, and design for a project for the recharge of groundwater in the drainage basins of the Tucson, Arizona, and Scottsdale, Arizona, metropolitan areas, at a total cost of $250,000.

SEC. 1142. MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS.

42 USC 1962d-20 note.

(a) Beginning October 1, 1987, the Secretary, in cooperation with the State of Illinois, shall carry out measurements and make necessary computations required by the decree of the United States Supreme Court (388 U.S. 426) relating to the diversion of water from Lake Michigan and shall coordinate the results with downstate interests. The measurements and computations shall consist of all flow measurements, gauge records, hydraulic and hydrologic computations, including periodic field investigations and measuring device calibrations, necessary to compute the amount of water diverted from Lake Michigan by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities, not including water diverted or used by Federal installations.

Appropriation authorization.

(b) There are authorized to be appropriated $250,000 per fiscal year for each fiscal year beginning after September 30, 1986, to carry out this section, including those funds necessary to maintain the measurements and computations, as well as necessary capital construction costs associated with the installation of new flow measurement devices or structures declared necessary and appropriate by the Secretary.

SEC. 1143. BERKELEY PIER, CALIFORNIA.

The Secretary is authorized to carry out planning, engineering, and design for a project to remove the Berkeley Pier, which extends into San Francisco Bay, California, approximately 12,000 feet, at a total cost of $200,000.

SEC. 1144. CONSTRUCTION OF SEAWALL, AMERICAN SAMOA.

The Secretary is authorized to carry out planning, engineering, and design for a project to construct a seawall from the canneries in the village of Atu'u, Ma'oputasi County, to Breakers Point near the village of Tafananai, Sua County, Western Tutuila Island, American Samoa, at a total cost of $310,000.

SEC. 1145. REHABILITATION OF DOCK, AMERICAN SAMOA.

Subject to section 903(a) of this Act, the Secretary is authorized to rehabilitate the fuel dock adjacent to the Rainmaker Hotel between the villages of Utulei and Fagatogo in Ma'oputasi County, Eastern Tutuila Island, American Samoa, at a total cost of $3,000,000, with an estimated first Federal cost of $3,000,000.

SEC. 1146. ACCEPTANCE OF CERTAIN FUNDS FOR MITIGATION.

33 USC 2286.

Fish and fishing.
Wildlife.

The Secretary is authorized to accept funds from any entity, public or private, in accordance with the Pacific Northwest Electric Power Planning and Conservation Act to be used to protect, mitigate, and enhance fish and wildlife in connection with projects constructed or operated by the Secretary. The Secretary may accept and use funds for such purposes without regard to any limitation established under any other provision of law or rule of law.

42 USC 1962d-20 note.

SEC. 1147. GREAT LAKES CONSUMPTIVE USES STUDY.

100 STAT. 4254

(a) STUDY OF CONSUMPTIVE USES.—In recognition of the serious impacts on the Great Lakes environment that may occur as a result of increased consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Secretary in cooperation with the Administrator of the Environmental Protection Agency, other interested departments, agencies, and instrumentalities of the United States, and the eight Great Lakes States, is authorized to conduct a study of the effects of Great Lakes water consumption on economic growth and environmental quality in the Great Lakes region and of control measures that can be implemented to reduce the quantity of water consumed.

(b) MATTERS INCLUDED.—The study authorized by this section shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

33 USC 1251 note.

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

(3) an analysis of the effect of laws, regulations, and national policy objectives on consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the associated environmental impacts and of the economic effects on industry and other interests in the Great Lakes region associated with individual consumptive use control strategies; and

(5) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) GREAT LAKES STATES DEFINED.—For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for fiscal years beginning after September 30, 1986, to carry out this section. Sums appropriated under this section shall remain available until expended.

SEC. 1148. PASSAIC RIVER BASIN.

Subject to section 903(a) of this Act, the Secretary is authorized to acquire from willing sellers lands on which residential structures are located, which lands are subject to frequent and recurring flood damage, within the area being studied pursuant to the Passaic River Basin flood control study authorized by section 101 of the Water Resources Development Act of 1976. Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin. There is authorized to be appropriated $50,000,000 to carry out this section. The non-Federal share of the cost of carrying out this section shall be 25 percent.

90 Stat. 2917.

Appropriation authorization.

SEC. 1149. SAULT SAINTE MARIE, MICHIGAN.

Subject to section 903(b) of this Act, the Secretary is authorized and directed to construct a second lock 1,294 feet in length, 115 feet in width, and 32 feet in depth, adjacent to the existing lock at Sault Sainte Marie, Michigan, in accordance with the report of the Board of Engineers for Rivers and Harbors, dated May 19, 1986, at a total cost of $227,428,000. The Federal and non-Federal shares of such project shall be determined in accordance with section 101, with the method of payment to be determined in accordance with the report of the Chief of Engineers.

SEC. 1150. WILLIAM G. STONE LOCK.

California.
Vessels.

(a) Notwithstanding any other provision of law, the State of California or any political subdivision thereof, or any non-Federal public body organized under the laws of the State of California, which is operating the William G. Stone Lock in Yolo County, California, under lease agreement with the Secretary may levy and collect tolls or other user fees from vessels using such lock. Such tolls or fees shall be in amounts not exceeding amounts necessary to recover the costs of operating and maintaining the William G. Stone Lock by such State, political subdivision, or public body under such lease agreement.

(b) Any lease for the operation of the William G. Stone Lock entered into by the Secretary after the date of enactment of this Act shall require the lessee to develop a plan of operation for such lock acceptable to Yolo County, California.

SEC. 1151. SATILLA RIVER BASIN, GEORGIA.

Subject to section 903(a) of this Act, the Secretary shall—

(1) undertake a demonstration project consisting of the placement of earthen plugs at Noyes and Bull Whirl Cuts on the Umbrella Creek-Dover Creek system in the Satilla River Basin in Camden County, Georgia, for the purpose of reducing shoaling; and

(2) monitor the effect of such plugs on the estuarine tidal system for a ten-year period;

at a total cost of $500,000, with an estimated first Federal cost of $500,000. The Secretary shall use the results of such monitoring to verify a hydrodynamic model which will allow the Secretary to reasonably predict the effects of cuts and closures in tidally-influenced estuarine systems.

SEC. 1152. THURMAN TO HAMBURG, IOWA.

The Secretary is authorized to study measures to prevent flooding in the Thurman to Hamburg area of the Missouri River in western Fremont County, Iowa. Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study along with recommendations for measures to prevent such flooding. Pending completion of the study the Secretary shall install pumping facilities in such area, at a total cost of $1,100,000, with an estimated first Federal cost of $825,000 and an estimated first non-Federal cost of $275,000. Cost sharing applicable to flood control projects shall apply to work authorized by the preceding sentence.

Report.

SEC. 1153. UPPER ST. JOHN'S RIVER BASIN, FLORIDA.

Fish and fishing.
Wildlife.
Vessels.

(a) For any survey, planning, or design of any water resources project for the Upper St. John's River Basin, Florida, the Secretary shall give equal consideration to structural, nonstructural, and primarily nonstructural alternatives including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreation, fish and wildlife, and other public purposes; relocation; reductions in water demand; water-borne traffic scheduling; and vessel modification with a view toward formulating the most economically, socially, and environmentally acceptable means of solving the water resources problem.

(b) Cost sharing applicable to nonstructural local flood protection projects shall apply to any water resources project on the Upper Saint John's River Basin, consistent with section 903(c).

33 USC 426o.

SEC. 1154. GREAT LAKES MATERIAL DISPOSAL.

In planning and implementing any navigation project (including maintenance thereof) on the Great Lakes and adjacent waters, the Secretary shall consult and cooperate with concerned States in selecting disposal areas for dredged material which is suitable for beach nourishment.

SEC. 1155. LOWER MISSISSIPPI WETLANDS.

Flood control.

The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce and appropriate State agencies, may develop and implement projects for the creation, protection, restoration, and enhancement of wetlands in conjunction with authorized projects for navigation and flood control in the lower Mississippi Valley. There is authorized to be appropriated $2,000,000 for each of fiscal years 1987, 1988, and 1989 to carry out this section.

Appropriation authorization.

33 USC 2310.

SEC. 1156. COST SHARING PROVISIONS FOR THE TERRITORIES.

American Samoa.
Guam.
Northern Mariana Islands.
Virgin Islands.
Trust Territory of the Pacific Islands.
Grants.
Florida.

The Secretary shall waive local cost-sharing requirements up to $200,000 for all studies and projects in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 1157. MIAMI RIVER WATER QUALITY COMMISSION.

(a) The Secretary shall make a grant of $50,000, subject to an appropriation for that purpose, to the Governor of the State of Florida for the establishment of a Miami River Management Commission to develop a comprehensive plan for improving the water quality of the Miami River, Florida, and its tributaries and managing all activities which affect the water quality and use of such river and tributaries. The commission shall be composed of seven members appointed by the Governor. A grant may be made under this section only after the State of Florida agrees to provide an amount equal to the amount of the grant to carry out this section.

Appropriation authorization.

(b) There is authorized to be appropriated to carry out this section $50,000 for fiscal years beginning after September 30, 1986.

SEC. 1158. BREWERTON EXTENSION.

Delaware.
Maryland.

72 Stat. 297.

68 Stat. 1248.

Any funds appropriated after the date of the enactment of this Act to complete the Brewerton Extension of the Baltimore Harbor and Channels (connecting channels to the Chesapeake and Delaware Canal), authorized by the River and Harbor Act of 1958, which are not needed to complete such project because of savings resulting from the redesign of the project shall be available for maintenance dredging of the Inland Waterway from the Delaware River to the Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal), authorized by the River and Harbor Act of 1954.

100 STAT. 4257

SEC. 1159. MARSH CREEK BRIDGE, SAYERS LAKE, PENNSYLVANIA.

The Secretary is authorized to construct necessary repairs on the Marsh Creek Bridge near Foster Joseph Sayers Lake, Centre County, Pennsylvania, at a total cost of $50,000, with a Federal cost of $25,000 and a non-Federal cost of $25,000. The non-Federal share of the cost of the work authorized by this section shall be 50 percent.

33 USC 59.

SEC. 1160. MIDDLE RIVER, MARYLAND.

(a) That portion of the waterway in which is located Dark Head Creek in the community of Middle River, Baltimore County, Maryland, lying northwest of a line extending south 68 degrees 37 minutes 56 seconds west from a point (227.50 feet from the northeast corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544967.24 and east 962701.05 (latitude north 39 degrees 19 minutes 42 seconds and longitude west 76 degrees 25 minutes 29.5 seconds) and thence south 44 degrees 48 minutes 20 seconds west, 350.12 feet to a point (at the southwest corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544635.94 and east 962242.46 (latitude north 39 degrees 19 minutes 39 seconds and longitude west 76 degrees 25 minutes 35.4 seconds), is declared to be a nonnavigable water of the United States for purposes of the navigation servitude.

(b) The line described in subsection (a) shall be established as a combined pierhead and bulkhead line of Dark Head Creek.

(c) Any project heretofore authorized by any Act of Congress, insofar as such project is within the boundaries of Dark Head Creek as described in subsection (a), is not authorized after the date of enactment of this Act.

(d) The right to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 1161. DEVIL'S KITCHEN LAKE.

Illinois.

The Secretary of the Interior, acting through the Fish and Wildlife Service, is authorized and directed to sell surplus water which may be available at the Devil's Kitchen Lake project, Illinois, for municipal use to the city of Marion, Illinois, on such terms and at such rates as such Secretary determines to be reasonable based upon comparable rates in the area of southern Illinois. To implement the purpose of this section, the city of Marion is authorized to construct a catch basin or similar facility downstream of Devil's Kitchen Lake for purposes of collecting and withdrawing water. Prior to initiation of construction of any facilities adversely affecting the Crab Orchard National Wildlife Refuge, the Secretary of the Interior, in consultation with the Secretary must review and approve the plans of such work, along with the associated water withdrawal plans. The Secretaries are authorized to provide technical assistance to the city in developing acceptable plans.

SEC. 1162. MIAMI RIVER SEDIMENTS.

Subject to section 903(a) of this Act, the Secretary is authorized and directed to remove polluted bottom sediments from the Miami River and Seybold Canal in Miami, Florida, between the mouth of the Miami River and the salinity control structure at 36th Street. Local interests shall furnish all lands (including dredge disposal areas), easements, rights-of-way, relocations, and alterations necessary for initial dredging and subsequent maintenance before the Secretary removes any such sediments. The non-Federal share of the cost of carrying out this section (including the contribution under the preceding sentence) shall be 25 percent.

100 STAT. 4258

SEC. 1163. EISENHOWER AND SNELL LOCKS.

New York.

Subject to section 903(b) of this Act, the Secretary is authorized to rehabilitate the Eisenhower and Snell Locks, Saint Lawrence River, Massena, New York, in accordance with the report of the District Engineer, dated November 1984, at a total cost of $39,200,000. The Federal share of such project shall be 100 percent, from the general fund of the Treasury, except that up to 25 percent of the cost of such project may be paid from tolls collected on the Saint Lawrence Seaway to the extent that the rehabilitation is not attributable to decisions and recommendations of the Corps of Engineers.

SEC. 1164. WATER SUPPLY FOR THE TERRITORIES.

Section 401(d) of the Act entitled "An Act to enhance the economic development of Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and for other purposes" (98 Stat. 1735), is amended by striking "in fiscal" and inserting in lieu thereof "effective fiscal".

SEC. 1165. SAN LUIS REY RIVER, CALIFORNIA.

The interest rate used for purposes of analyzing the costs and benefits of the San Luis Rey River flood control program in San

Diego County, California, shall be the applicable interest rate at the time an agreement under section 215 of the Flood Control Act of 1968 was entered into.

42 USC 1962d-5a.

SEC. 1166. BRIDGES OVER NAVIGABLE WATERS.

(a)(1) The Secretary shall reimburse, from sums appropriated under this section—

Texas.

(A) the owner of the Port of Houston Authority bridge over Greens Bayou, Texas, appropriately two and eight-tenths miles upstream of the confluence of Greens Bayou and the Houston Ship Channel, and

Texas.

(B) the owner of the pipeline bridge over Greens Bayou, Texas, immediately adjacent to the Port of Houston Authority bridge over Greens Bayou,

for work done before the date of enactment of this Act for alterations to each such bridge which were reasonably necessary for the purposes of navigation.

Appropriation authorization.

(2) There is authorized to be appropriated not to exceed $450,000 to carry out subparagraph (A) of paragraph (1) and not to exceed $250,000 to carry out subparagraph (B) of paragraph (1).

(b) The Secretary of Transportation, in consultation with the Secretary, is authorized and directed to transmit to Congress a list of those bridges over navigable waters of the United States which have Federal permits and which were constructed, reconstructed, or removed during the period January 1, 1948, to January 1, 1985.

Rhode Island.

(c) In order to alleviate a navigational hazard in the Seekonk River in Providence, Rhode Island, the Secretary is authorized to demolish and remove the center span of the India Point Railroad Bridge, at a total cost of $500,000, with an estimated first Federal cost of $250,000 and an estimated first non-Federal cost of $250,000. The non-Federal share of the cost of the project authorized by this subsection shall be 50 percent. The Secretary shall not demolish such span until title to such bridge has been transferred to the United States. Revenue derived from the sale of scrap from this structure shall be credited toward the non-Federal share of the project.

100 STAT. 4259

SEC. 1167. PEARSON-SKUBITZ BIG HILL LAKE.

Kansas.

Subject to section 903(a) of the Act, the Secretary is authorized and directed to improve public access to, and lessen a health and safety hazard, at Pearson-Skubitz Big Hill Lake, Kansas, by upgrading existing roads to the extent feasible acquiring additional rights-of-way, and constructing new roads as required, at a cost of $4,000,000, with an estimated first Federal cost of $2,000,000 and an estimated first non-Federal cost of $2,000,000. The non-Federal share of the cost of the project authorized by this section shall be 50 percent.

33 USC 59w.

SEC. 1168. NORTON BASIN AND JAMAICA BAY, NEW YORK.

The two portions of Norton Basin and Jamaica Bay, New York, that are particularly described in Committee Print 99-58 of the Committee on Public Works and Transportation of the House of Representatives are hereby declared to be nonnavigable waters of the United States for purposes of the navigation servitude.

SEC. 1169. AVALON BAY, CALIFORNIA.

Subject to section 903(a) of this Act, and following completion of all necessary environmental documents, the Secretary is authorized to perform dredging in Avalon Bay, Santa Catalina Island, California, to a depth of 10 feet mean lower low water, and remove approximately 12,800 cubic yards of material, at a total cost of $300,000, with an estimated first Federal cost of $150,000 and an estimated first non-Federal cost of $150,000. The non-Federal share of the cost of the project authorized by this section shall be 50 percent.

SEC. 1170. ELLICOTT CREEK, NEW YORK.

Notwithstanding section 103 of this Act, cost sharing for the project for flood protection and other purposes, Ellicott Creek, New York, authorized by section 201 of the Flood Control Act of 1970, shall be in accordance with the agreement entered into with respect to such project under section 221 of the Flood Control Act of 1970, dated January 20, 1984.

84 Stat. 1824.

42 USC 1962d-5b.

SEC. 1171. TOUTLE AND GREEN RIVERS, WASHINGTON.

For purposes of section 103 of this Act, physical construction shall be deemed to have been initiated before April 30, 1986, on the project for construction, operation, and maintenance of a sediment retention structure near the confluence of the Toutle and Green Rivers, Washington, authorized by Public Law 99-88.

99 Stat. 293.

SEC. 1172. SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES.

33 USC 1414a note.

(a) The Congress finds that the New York Bight Apex is no longer a suitable location for the ocean dumping of municipal sludge.

(b) Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is amended by inserting after section 104 the following new section:

"SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES

"SEC. 104A. (a) NEW YORK BIGHT APEX.—(1) For purposes of this subsection—

33 USC 1414a.

"(A) The term 'Apex' means the New York Bight Apex consisting of the ocean waters of the Atlantic Ocean westward of 73 degrees 30 minutes west longitude and northward of 40 degrees 10 minutes north latitude.

"(B) The term 'Apex site' means that site within the Apex at which the dumping of municipal sludge occurred before October 1, 1983.

"(C) The term 'eligible authority' means any sewerage authority or other unit of State or local government that on November 2, 1983, was authorized under court order to dump municipal sludge at the Apex site.

"(2) No person may apply for a permit under this title in relation to the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex unless that person is an eligible authority.

"(3) The Administrator may not issue, or renew, any permit under this title that authorizes the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex after the earlier of—

"(A) December 15, 1987; or

"(B) the day determined by the Administrator to be the first day on which municipal sludge generated by eligible authorities can reasonably be dumped at a site designated under section 102 other than a site within the Apex.

33 USC 1412.

"(b) RESTRICTION ON USE OF THE 106-MILE SITE.—The Administrator may not issue or renew any permit under this title which authorizes any person, other than a person that is an eligible authority within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge within the site designated under section 102(c) by the Administrator and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 19005).".

SEC. 1173. CHICAGO TUNNEL AND RESERVOIR PROJECT.

Notwithstanding any other provision of law (including section 202 of the Federal Water Pollution Control Act), the Federal share of the cost of construction of the Chicago Tunnel and Reservoir Project, Illinois, shall be 75 percent.

33 USC 1282.

Dam Safety Act of 1986.

TITLE XII—DAM SAFETY

SEC. 1201. (a) Section 1 of Public Law 92-367 (33 U.S.C. 467; 86 Stat. 506) is amended by striking out the final period and inserting in lieu thereof the following: ", unless such barrier, due to its location or other physical characteristics, is likely to pose a significant threat to human life or property in the event of its failure.".

(b) Public Law 92-367 is further amended by inserting after section 6 the following sections:

Appropriation authorization. State and local governments. 33 USC 467f.

"SEC. 7. (a) There is authorized to be appropriated to the Secretary of the Army (hereafter in this Act referred to as the 'Secretary'), $13,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992. Sums appropriated under this section shall be distributed annually among States on the following basis: One-third equally among those States that have established dam safety programs approved under the terms of section 8 of this Act, and two-thirds in proportion to the number of dams located in each State that has an established dam safety program under the terms of section 8 of this Act to the number of dams in all States with such approved programs. In no event shall funds distributed to any State under this section exceed 50 percent of the reasonable cost of implementing an approved dam safety program in such State.

Infra.

Grants.

"(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs to assure dam safety for the protection of human life and property at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

State and local governments. 33 USC 467g.

Ante, p. 4260.

"SEC. 8. (a) In order to encourage the establishment and maintenance of effective programs intended to assure dam safety to protect human life and property and to improve such existing programs, the Secretary shall provide assistance under the terms of section 7 of this Act to any State that establishes and maintains a dam safety program which is approved under this section. In evaluating a State's dam safety program, under the terms of subsections (b) and (c) of this section, the Secretary shall determine that such program includes the following:

"(1) a procedure, whereby, prior to any construction the plans for any dam will be reviewed to provide reasonable assurance of the safety and integrity of such dam over its intended life;

"(2) a procedure to determine, during and following construction and prior to operation of each dam built in the State, that such dam has been constructed and will be operated in a safe and reasonable manner;

"(3) a procedure to inspect every dam within such State at least once every five years, except that such inspections shall be required at least every three years for any dam the failure of which is likely to result in the loss of human life;

"(4) a procedure for more detailed and frequent safety inspections, when warranted;

"(5) the State has or can be expected to have authority to require those changes or modifications in a dam, or its operation, necessary to assure the dam's safety;

"(6) the State has or can be expected to develop a system of emergency procedures that would be utilized in the event a dam fails or in the event a dam's failure is imminent together with an identification of those dams where failure could be reasonably expected to endanger human life, and of the maximum area that could be inundated in the event of the failure of such dam, as well as identification of those necessary public facilities that would be affected by such inundation;

"(7) the State has or can be expected to have the authority to assure that any repairs or other changes needed to maintain the integrity of any dam will be undertaken by the dam's owner, or other responsible party; and

"(8) the State has or can be expected to have authority and necessary emergency funds to assure immediate repairs or other changes to, or removal of, a dam in order to protect human life and property, and if the owner does not take action, to take appropriate action as expeditiously as possible.

100 STAT. 4262

"(b) Any program which is submitted to the Secretary under the authority of this section shall be deemed approved 120 days following its receipt by the Secretary unless the Secretary determines within such 120-day period that such program fails to reasonably meet the requirements of subsection (a) of this section. If the Secretary determines such a program cannot be approved, he shall immediately notify such State in writing, together with his reasons and those changes needed to enable such plan to be approved.

"(c) Utilizing the expertise of the Board established under section 9 of this Act, the Secretary shall review periodically the implementation and effectiveness of approved State dam safety programs. In the event the Board finds that a State program under this Act has proven inadequate to reasonably protect human life and property, and the Secretary agrees, the Secretary shall revoke approval of such State program and withhold assistance under the terms of section 7 of this Act until such State program has been reapproved.

Infra.

Ante, p. 4260.

"Sec. 9. (a) There is authorized to be established a National Dam Safety Review Board (hereinafter in this Act referred to as the 'Board'), which shall be responsible for reviewing and monitoring State implementation of this Act. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements of this section.

Contracts.
33 USC 467h.

"(b) The Board shall consist of seven members selected for their expertise in dam safety, to represent the Department of the Army, the Department of the Interior, the Tennessee Valley Authority, the Federal Emergency Management Agency, and the Department of Agriculture, plus two members, selected by the President, from employees or officials of States having an approved program under section 8 of this Act.

State and local governments.

"Sec. 10. The head of any agency of the United States that owns or operates a dam, or proposes to construct a dam in any State, shall, when requested by such State, consult fully with such State on the design and safety of such dam and allow officials of such State to participate with officials of such agency in all safety inspections of such dam.

33 USC 467i.

"Sec. 11. The Secretary shall, at the request of any State that has or intends to develop a dam safety program under section 8 of this Act, provide training for State dam safety inspectors. There is authorized to be appropriated to carry out this section $500,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992.

Ante, p. 4261.
Appropriation authorization.
33 USC 467j.

"Sec. 12. The Secretary, in cooperation with the National Bureau of Standards, shall undertake a program of research in order to develop improved techniques and equipment for rapid and effective dam inspection, together with devices for the continued monitoring of dams for safety purposes. The Secretary shall provide for State participation in such research and periodically advise all States and the Congress of the results of such research. There is authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years ending September 30, 1988, through September 30, 1992.

Research and development.
33 USC 467k.

Appropriation authorization.

"Sec. 13. The Secretary is authorized to maintain and periodically publish updated information on the inventory of dams authorized in section 5 of this Act. For the purpose of carrying out this section, there is authorized to be appropriated to the Secretary $500,000 for

33 USC 467d.
Appropriation authorization.
33 USC 467*l*.

100 STAT. 4263 each of the fiscal years ending September 30, 1988, through September 30, 1992.

33 USC 467m.

"SEC. 14. No funds authorized in this Act shall be used to construct or repair any Federal or non-Federal dam.".

Reports.
33 USC 2311.

SEC. 1202. Any report that is submitted to the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives by the Secretary, or the Secretary of Agriculture acting under Public Law 83-566, as amended, which proposes construction of a water impoundment facility, shall include information on the consequences of failure and geologic or design factors which could contribute to the possible failure of such facility.

33 USC 467n.

SEC. 1203. (a) After the date of enactment of this Act, costs incurred in the modification by the Secretary of dams and related facilities constructed or operated by the Secretary, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art design or construction criteria deemed necessary for safety purposes, shall be recovered in accordance with the provisions in this subsection:

(1) Fifteen percent of the modification costs shall be assigned to project purposes in accordance with the cost allocation in effect for the project at the time the work is initiated. Non-Federal interests shall share the costs assigned to each purpose in accord with the cost sharing in effect at the time of initial project construction: *Provided*, That the Secretary of the Interior shall recover costs assigned to irrigation in accordance with repayment provisions of Public Law 98-404.

43 USC 506 note.

(2) Repayment under this subsection, with the exception of costs assigned to irrigation, may be made, with interest, over a period of not more than thirty years from the date of completion of the work. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursable period during the month preceding the fiscal year in which the costs are incurred, plus a premium of one-eighth of one percentage point for transaction costs. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

(b) Nothing in this section affects the authority of the Secretary to perform work pursuant to Public Law 84-99, as amended (33 U.S.C. 701n) or cost sharing for such work.

SEC. 1204. Section 3 of Public Law 92-367 (33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense by the owner of such dam.".

Missouri.

SEC. 1205. (a) The Secretary is authorized to provide technical assistance related to the repair of the spillway and technical assistance related to other measures to restore the safety of the dam used to supply water to Schuyler County Public Water Supply District Number 1, Missouri. Such technical assistance may be provided on a nonreimbursable basis at a cost not exceeding $50,000, and may be provided as needed in additional amounts on a fully reimbursable basis.

100 STAT. 4264

Ohio.

(b) The Secretary is authorized to provide technical assistance for necessary repairs to the Milton Dam in Mahoning County, Ohio, in accordance with the remedial measures described in the report of the District Engineer, Pittsburgh District, entitled "Milton Dam, Mahoning County, Ohio, Investigation to Determine the Adequacy of Structural and Hydraulic Components", dated February 1980. Such technical assistance may be provided on a nonreimbursable basis at a cost not exceeding $50,000, and may be provided as needed in additional amounts on a fully reimbursable basis.

SEC. 1206. This title may be cited as the "Dam Safety Act of 1986". 33 USC 467 note.

TITLE XIII—NAMINGS

SEC. 1301. JENNINGS RANDOLPH LAKE.

Maryland. West Virginia.

Bloomington Lake located on the North Branch of the Potomac River near Bloomington, Maryland, and Keyser, West Virginia, is named and designated as the "Jennings Randolph Lake". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lake shall be held to be a reference to the "Jennings Randolph Lake".

SEC. 1302. JAMES W. TRIMBLE LOCK AND DAM.

Arkansas.

Lock and dam numbered 13 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "James W. Trimble Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "James W. Trimble Lock and Dam".

SEC. 1303. ARTHUR V. ORMOND LOCK AND DAM.

Arkansas.

Lock and dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Arthur V. Ormond Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Arthur V. Ormond Lock and Dam".

SEC. 1304. GREILICKVILLE HARBOR.

Michigan.

The harbor located in Elmwood Township, Leelanau County, Michigan, and authorized as the Grand Traverse Bay by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173) shall hereafter be known and designated as the "Greilickville Harbor". Any reference in a law, map, regulation, document, record, or other paper of the United States to that harbor shall be deemed to be a reference to the "Greilickville Harbor".

SEC. 1305. WILBUR D. MILLS DAM.

Arkansas.

Dam numbered 2 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Wilbur D. Mills Dam". Any law, regulation, document, or record of the United States in which such dam is referred to shall be held to refer to such dam as the "Wilbur D. Mills Dam".

100 STAT. 4265

SEC. 1306. S. W. TAYLOR MEMORIAL PARK.

The China Bluff access area which is being constructed by the Army Corps of Engineers as part of the Gainesville lock and dam portion of the Tennessee-Tombigbee Waterway project and which is located near Warsaw in Sumter County, Alabama, shall hereafter be known as the "S. W. Taylor Memorial Park". Any reference in any law, map, regulation, document, or other record of the United States to the China Bluff access area shall be held to be a reference to the "S. W. Taylor Memorial Park".

SEC. 1307. H. K. THATCHER LOCK AND DAM.

Arkansas.

Calion Lock and Dam located on the Ouachita River near Calion, Arkansas, shall hereafter be known and designated as the "H. K.

Thatcher Lock and Dam". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be held to be a reference to the "H. K. Thatcher Lock and Dam".

SEC. 1308. DEWAYNE HAYES RECREATION AREA.

The Stinson Creek Recreation Area which is to be constructed by the Army Corps of Engineers as part of the Columbus Lake portion of the Tennessee-Tombigbee Waterway project and which is located in Lowndes County, Mississippi, shall hereafter be known and designated as the "DeWayne Hayes Recreation Area". Any law, regulation, document, or record of the United States in which such recreation area is referred to shall be held to refer to such recreation area as the "DeWayne Hayes Recreation Area".

SEC. 1309. WINTHROP ROCKEFELLER LAKE.

Arkansas.

The reservoir created by dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Winthrop Rockefeller Lake". Any law, regulation, document, or record of the United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Winthrop Rockefeller Lake".

SEC. 1310. WEHRSPANN LAKE.

Nebraska.

Papillion Creek and Tributaries Lakes, Nebraska, site 20 on the West Papillion Creek shall hereafter be known and designated as the "Wehrspann Lake". Any reference in a law, map, regulation, document, record, or other paper of the United States to such site shall be held to be a reference to the "Wehrspann Lake".

SEC. 1311. JACK D. MALTESTER CHANNEL.

42 USC 1962d-5.

The main channel of the project for San Leandro Marina, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, shall be known and designated as the "Jack D. Maltester Channel". Each reference to such channel in a law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the "Jack D. Maltester Channel".

Harbor Maintenance Revenue Act of 1986.
26 USC 1 note.

TITLE XIV—REVENUE PROVISIONS

SEC. 1401. SHORT TITLE.

This title may be cited as the "Harbor Maintenance Revenue Act of 1986".

SEC. 1402. IMPOSITION OF HARBOR MAINTENANCE TAX.

26 USC 4451 *et seq.*
Ante, p. 2095.

(a) General Rule.—Chapter 36 of the Internal Revenue Code of 1954 (relating to certain other excise taxes) is amended by inserting after the chapter heading the following new subchapter:

"Subchapter A—Harbor Maintenance Tax

"Sec. 4461. Imposition of tax.
"Sec. 4462. Definitions and special rules.

26 USC 4461.

"SEC. 4461. IMPOSITION OF TAX.

"(a) General Rule.—There is hereby imposed a tax on any port use.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) on any port use shall be an amount equal to 0.04 percent of the value of the commercial cargo involved.

"(c) Liability and Time of Imposition of Tax.—

"(1) LIABILITY.—The tax imposed by subsection (a) shall be paid by—

"(A) in the case of cargo entering the United States, the importer, Imports.

"(B) in the case of cargo to be exported from the United States, the exporter, or Exports.

"(C) in any other case, the shipper.

"(2) TIME OF IMPOSITION.—Except as provided by regulations, the tax imposed by subsection (a) shall be imposed—

"(A) in the case of cargo to be exported from the United States, at the time of loading, and Exports.

"(B) in any other case, at the time of unloading.

"SEC. 4462. DEFINITIONS AND SPECIAL RULES. 26 USC 4462.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) PORT USE.—The term 'port use' means—

"(A) the loading of commercial cargo on, or

"(B) the unloading of commercial cargo from,

a commercial vessel at a port.

"(2) PORT.—

"(A) IN GENERAL.—The term 'port' means any channel or harbor (or component thereof) in the United States, which—

"(i) is not an inland waterway, and

"(ii) is open to public navigation.

"(B) EXCEPTION FOR CERTAIN FACILITIES.—The term 'port' does not include any channel or harbor with respect to which no Federal funds have been used since 1977 for construction, maintenance, or operation, or which was deauthorized by Federal law before 1985.

"(C) SPECIAL RULE FOR COLUMBIA RIVER.—The term 'port' shall include the channels of the Columbia River in the States of Oregon and Washington only up to the downstream side of Bonneville lock and dam.

"(3) COMMERCIAL CARGO.—

"(A) IN GENERAL.—The term 'commercial cargo' means any cargo transported on a commercial vessel, including passengers transported for compensation or hire.

"(B) CERTAIN ITEMS NOT INCLUDED.—The term 'commercial cargo' does not include—

"(i) bunker fuel, ship's stores, sea stores, or the legitimate equipment necessary to the operation of a vessel, or

"(ii) fish or other aquatic animal life caught and not previously landed on shore.

"(4) COMMERCIAL VESSEL.—

"(A) IN GENERAL.—The term 'commercial vessel' means any vessel used—

"(i) in transporting cargo by water for compensation or hire, or

"(ii) in transporting cargo by water in the business of the owner, lessee, or operator of the vessel.

"(B) EXCLUSION OF FERRIES.—

"(i) IN GENERAL.—The term 'commercial vessel' does not include any ferry engaged primarily in the ferrying of passengers (including their vehicles) between points within the United States, or between the United States and contiguous countries.

"(ii) FERRY.—The term 'ferry' means any vessel which arrives in the United States on a regular schedule during its operating season at intervals of at least once each business day.

"(5) VALUE.—

"(A) IN GENERAL.—The term 'value' means, except as provided in regulations, the value of any commercial cargo as determined by standard commercial documentation.

"(B) TRANSPORTATION OF PASSENGERS.—In the case of the transportation of passengers for hire, the term 'value' means the actual charge paid for such service or the prevailing charge for comparable service if no actual charge is paid.

"(b) SPECIAL RULE FOR ALASKA, HAWAII, AND POSSESSIONS.—

"(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to—

Vessels.

"(A) cargo loaded on a vessel in a port in the United States mainland for transportation to Alaska, Hawaii, or any possession of the United States for ultimate use or consumption in Alaska, Hawaii, or any possession of the United States,

"(B) cargo loaded on a vessel in Alaska, Hawaii, or any possession of the United States for transportation to the United States mainland for ultimate use or consumption in the United States mainland,

"(C) the unloading of cargo described in subparagraph (A) or (B) in Alaska, Hawaii, or any possession of the United States, or in the United States mainland, respectively, or

"(D) cargo loaded on a vessel in Alaska, Hawaii, or a possession of the United States and unloaded in the State or possession in which loaded.

100 STAT. 4268

"(2) CARGO DOES NOT INCLUDE CRUDE OIL WITH RESPECT TO ALASKA.—For purposes of this subsection, the term 'cargo' does not include crude oil with respect to Alaska.

"(3) UNITED STATES MAINLAND.—For purposes of this subsection, the term 'United States mainland' means the continental United States (not including Alaska).

Vessels.

26 USC 4042.

"(c) COORDINATION OF TAX WHERE TRANSPORTATION SUBJECT TO TAX IMPOSED BY SECTION 4042.—No tax shall be imposed under this subchapter with respect to the loading or unloading of any cargo on or from a vessel if any fuel of such vessel has been (or will be) subject to the tax imposed by section 4042 (relating to tax on fuel used in commercial transportation on inland waterways).

"(d) NONAPPLICABILITY OF TAX TO CERTAIN CARGO.—

"(1) IN GENERAL.—Subject to paragraph (2), the tax imposed by section 4461(a) shall not apply to bonded commercial cargo entering the United States for transportation and direct exportation to a foreign country.

Exports.
Canada.
Mexico.

"(2) IMPOSITION OF CHARGES.—Paragraph (1) shall not apply to any cargo exported to Canada or Mexico—

Vessels.

"(A) during the period—

"(i) after the date on which the Secretary determines that the Government of Canada or Mexico (as the case may be) has imposed a substantially equivalent tax, fee, or charge on commercial vessels or commercial cargo utilizing ports of such country, and

"(ii) subject to subparagraph (B), before the date on which the Secretary determines that such tax, fee, charge has been discontinued by such country, and

"(B) with respect to a particular United States port (or to any transaction or class of transactions at any such port) to the extent that the study made pursuant to section 1407(a) of the Water Resources Development Act of 1986 (or a review thereof pursuant to section 1407(b) of such Act) finds that—

"(i) the imposition of the tax imposed by this subchapter at such port (or to any transaction or class of transactions at such port) is not likely to divert a significant amount of cargo from such port to a port in a country contiguous to the United States, or that any such diversion is not likely to result in significant economic loss to such port, or

"(ii) the nonapplicability of such tax at such port (or to any transaction or class of transactions at such port) is likely to result in significant economic loss to any other United States port.

"(e) EXEMPTION FOR UNITED STATES.—No tax shall be imposed under this subchapter on the United States or any agency or instrumentality thereof.

"(f) EXTENSION OF PROVISIONS OF LAW APPLICABLE TO CUSTOMS DUTY.—

"(1) IN GENERAL.—Except to the extent otherwise provided in regulations, all administrative and enforcement provisions of customs laws and regulations shall apply in respect of the tax imposed by this subchapter (and in respect of persons liable therefor) as if such tax were a customs duty. For purposes of the preceding sentence, any penalty expressed in terms of a relationship to the amount of the duty shall be treated as not less than the amount which bears a similar relationship to the value of the cargo. 100 STAT. 4269

"(2) JURISDICTION OF COURTS AND AGENCIES.—For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, the tax imposed by this subchapter shall be treated as if such tax were a customs duty.

"(3) ADMINISTRATIVE PROVISIONS APPLICABLE TO TAX LAW NOT TO APPLY.—The tax imposed by this subchapter shall not be treated as a tax for purposes of subtitle F or any other provision of law relating to the administration and enforcement of internal revenue taxes.

"(g) SPECIAL RULES.—Except as provided by regulations—

"(1) TAX IMPOSED ONLY ONCE.—Only 1 tax shall be imposed under section 4461(a) with respect to the loading on and unloading from, or the unloading from and the loading on, the same vessel of the same cargo.

"(2) EXCEPTION FOR INTRAPORT MOVEMENTS.—Under regulations, no tax shall be imposed under section 4461(a) on the mere movement of cargo within a port.

"(h) REGULATIONS.—The Secretary may prescribe such additional regulations as may be necessary to carry out the purposes of this subchapter including, but not limited to, regulations—

"(1) providing for the manner and method of payment and collection of the tax imposed by this subchapter,

"(2) providing for the posting of bonds to secure payment of such tax,

"(3) exempting any transaction or class of transactions from such tax where the collection of such tax is not administratively practical, and

"(4) providing for the remittance or mitigation of penalties and the settlement or compromise of claims."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1954 is amended by inserting the following before the item relating to subchapter D:

"SUBCHAPTER A. Harbor maintenance tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1987. 26 USC 4461 note.

SEC. 1403. CREATION OF HARBOR MAINTENANCE TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding after section 9504 the following new section: 26 USC 9501 *et seq.*

Ante, p. 2095.
26 USC 9505.

"SEC. 9505. HARBOR MAINTENANCE TRUST FUND.

"(a) Creation of Trust Fund.—There is hereby established in the Treasury of the United States a trust fund to be known as the 'Harbor Maintenance Trust Fund', consisting of such amounts as may be—

"(1) appropriated to the Harbor Maintenance Trust Fund as provided in this section,

"(2) transferred to the Harbor Maintenance Trust Fund by the Saint Lawrence Seaway Development Corporation pursuant to section 13(a) of the Act of May 13, 1954, or

"(3) credited to the Harbor Maintenance Trust Fund as provided in section 9602(b).

100 STAT. 4270

Ante, p. 4266.

"(b) Transfer to Harbor Maintenance Trust Fund of Amounts Equivalent to Certain Taxes.—There are hereby appropriated to the Harbor Maintenance Trust Fund amounts equivalent to the taxes received in the Treasury under section 4461 (relating to harbor maintenance tax).

"(c) Expenditures From Harbor Maintenance Trust Fund.—Amounts in the Harbor Maintenance Trust Fund shall be available, as provided by appropriation Acts, for making expenditures—

"(1) to carry out section 210(a) of the Water Resources Development Act of 1986 (as in effect on the date of enactment of this section),

"(2) for payments of rebates of tolls or charges pursuant to section 13(b) of the Act of May 13, 1954 (as in effect on April 1, 1987), and

"(3) for the payment of all expenses of administration incurred—

Ante, p. 4266.

"(A) by the Department of the Treasury in administering subchapter A of chapter 36 (relating to harbor maintenance tax), but not in excess of $5,000,000 for any fiscal year, and

Ante, p. 82.

"(B) for periods during which no fee applies under paragraph (9) or (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985."

26 USC 4461 note.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Department of the Treasury (from the fees collected under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985) such sums as may be necessary to pay all expenses of administration incurred by such Department in administering subchapter A of chapter 36 of the Internal Revenue Code of 1954 for periods to which such fees apply.

(c) Clerical Amendment.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1954 is amended by adding after the item relating to section 9504 the following new item:

"Sec. 9505. Harbor Maintenance Trust Fund."

26 USC 9505 note.

(d) Effective Date.—The amendments made by this section shall take effect on April 1, 1987.

SEC. 1404. INLAND WATERWAYS TAX.

(a) In General.—Subsection (b) of section 4042 of the Internal Revenue Code of 1954 (relating to tax on fuel used in commercial transportation on inland waterways) is amended to read as follows:

26 USC 4042.
Ante, p. 2095.

"(b) Amount of Tax.—The tax imposed by subsection (a) shall be determined from the following table:

If the use occurs:	The tax per gallon is:
Before 1990	10 cents
During 1990	11 cents
During 1991	13 cents
During 1992	15 cents
During 1993	17 cents
During 1994	19 cents
After 1994	20 cents."

(b) Fuel Use on Tennessee-Tombigbee Waterway Subject to Inland Waterway Tax.—Section 206 of the Inland Waterways Revenue Act of 1978 is amended by adding at the end thereof the following: 33 USC 1804.

"(27) Tennessee-Tombigbee Waterway: From its confluence with the Tennessee River to the Warrior River at Demopolis, Alabama."

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1987. 26 USC 4042 note.

SEC. 1405. INLAND WATERWAYS TRUST FUND.

(a) In General.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding after section 9505 the following new section: *Ante*, p. 4269.

"SEC. 9506. INLAND WATERWAYS TRUST FUND.

"(a) Creation of Trust Fund.—There is hereby established in the Treasury of the United States a trust fund to be known as the 'Inland Waterways Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b). 26 USC 9602.

"(b) Transfer to Trust Fund of Amounts Equivalent to Certain Taxes.—There are hereby appropriated to the Inland Waterways Trust Fund amounts equivalent to the taxes received in the Treasury under section 4042 (relating to tax on fuel used in commercial transportation on inland waterways). 26 USC 9506.

"(c) Expenditures From Trust Fund.—

"(1) In general.—Except as provided in paragraph (2), amounts in the Inland Waterways Trust Fund shall be available, as provided by appropriation Acts, for making construction and rehabilitation expenditures for navigation on the inland and coastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978, as in effect on the date of the enactment of this section. 33 USC 1804.

"(2) Exception for certain projects.—Not more than ½ of the cost of any construction to which section 102(a) of the Water Resources Development Act of 1986 applies (as in effect on the date of the enactment of this section) may be paid from the Inland Waterways Trust Fund."

(b) Conforming Amendments.—Sections 203 and 204 of the Inland Waterways Revenue Act of 1978 (relating to Inland Waterways Trust Fund) are hereby repealed. 33 USC 1801, 1802.

(c) Clerical Amendment.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 9506. Inland Waterways Trust Fund."

(d) Effective Date.— 26 USC 9506 note.

(1) In general.—The amendments made by this section shall take effect on January 1, 1987.

(2) Inland waterways trust fund treated as continuation of old trust fund.—The Inland Waterways Trust Fund established by the amendments made by this section shall be treated for all purposes of law as a continuation of the Inland Waterways Trust Fund established by section 203 of the Inland Waterways Revenue Act of 1978. Any reference in any law to the Inland Waterways Trust Fund established by such section 203 shall be deemed to include (wherever appropriate) a reference to the Inland Waterways Trust Fund established by this section.

33 USC 984.

SEC. 1405. SAINT LAWRENCE SEAWAY EXPENDITURES AND REBATES OF TOLLS.

100 STAT. 4272

(a) IN GENERAL.—The Act of May 13, 1954 is amended—

(1) by striking out "and" at the end of paragraph (11) of section 4(a),

(2) by striking out the period at the end of paragraph (12) of section 4(a) and inserting in lieu thereof "; and",

(3) by adding at the end of section 4(a) the following new paragraph:

"(13) shall accept such amounts as may be transferred to the Corporation under section 9505(c)(1) of the Internal Revenue Code of 1954, except that such amounts shall be available only for the purpose of operating and maintaining those works which the Corporation is obligated to operate and maintain under subsection (a) of section 3 of this Act.", and

26 USC 9505.

(4) by adding at the end thereof the following new section:

"REBATE OF CHARGES OR TOLLS

33 USC 988a.

"SEC. 13. (a) The Corporation shall transfer to the Harbor Maintenance Trust Fund, at such times and under such terms and conditions as the Secretary of the Treasury may prescribe, all revenues derived from the collection of charges or tolls established under section 12 of this Act.

33 USC 988.

"(b)(1) The Corporation shall certify to the Secretary of the Treasury, in such form and at such times as the Secretary of the Treasury shall prescribe—

Vessels.

"(A) the identity of any person who pays a charge or toll to the Corporation pursuant to section 12 of this Act with respect to a commercial vessel (as defined in section 4462(a)(4) of the Internal Revenue Code of 1954),

26 USC 4462.

"(B) the amount of the toll or charge paid by such person with respect to such vessel.

"(2) Within 30 days of the receipt of a certification described in paragraph (1), the Secretary of the Treasury shall rebate, out of the Harbor Maintenance Trust Fund, to the person described in paragraph (1) the amount of the charge or toll paid pursuant to section 12 of this Act."

33 USC 984 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1987.

33 USC 988 note.

SEC. 1406. REPORT ON REDUCTION OR ELIMINATION OF TOLLS ON THE GREAT LAKES AND THE SAINT LAWRENCE SEAWAY.

Canada.

Not later than 2 years after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Transportation, shall initiate discussions with the Government of Canada with the objective of reducing or eliminating all tolls on the international Great Lakes and the Saint Lawrence Seaway, and the Secretary of Transportation shall report to the Congress on the progress of such discussions and on the economic effects upon waterborne commerce in the United States of any proposed reduction or elimination in tolls.

26 USC 4461 note.
Taxes.

SEC. 1407. STUDY OF CARGO DIVERSION.

100 STAT. 4273

Ante, p. 4266.

Reports.

(a) INITIAL STUDY.—The Secretary of the Treasury, in consultation with United States ports, the Secretary of the Army, the Secretary of Transportation, the United States Trade Representative and other appropriate Federal agencies, shall conduct a study to determine the impact of the port use tax imposed under section 4461(a) of the Internal Revenue Code of 1954 on potential diversions of cargo from particular United States ports to any port in a country contiguous to the United States. The report of the study shall be submitted to the Ways and Means Committee of the House of Representatives and the Committee on Finance of the United States Senate not later than 1 year from the date of the enactment of this Act.

(b) **Review.**—The Secretary of the Treasury may, at any time, review and revise the findings of the study conducted pursuant to subsection (a) with respect to any United States port (or to any transaction or class of transactions at such port).

Effective date.
Ante, p. 4266.

(c) **Implementation of Findings.**—For purposes of section 4462(d)(2)(B) of the Internal Revenue Code of 1954, the findings of the study or review conducted pursuant to subsections (a) and (b) of this section shall be effective 60 days after notification to the ports concerned.

Approved November 17, 1986.

LEGISLATIVE HISTORY—H.R. 6 (H.R. 2494) (S. 1567):

HOUSE REPORTS: No. 99-111 (Comm. on Public Works and Transportation), No. 99-251, Pt. I (Comm. on Public Works and Transportation), Pt. II (Comm. on Interior and Insular Affairs), Pt. III (Comm. on Ways and Means), Pt. IV (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 99-126 accompanying S. 1567 (Comm. on Environment and Public Works), No. 99-228 accompanying S. 1567 (Comm. on Finance).

CONGRESSIONAL RECORD:

Vol. 131 (1985): Nov. 5, 6, 13, considered and passed House.

Vol. 132 (1986): Mar. 26, considered and passed Senate, amended, in lieu of S. 1567.

Oct. 17, House and Senate agreed to conference report.

Public Law 99-663
99th Congress

100 STAT. 4274

An Act

To protect and provide for the enhancement of the resources of the Columbia River Gorge, and for other purposes.

Nov. 17, 1986
[H.R. 5705]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Columbia River Gorge National Scenic Area Act.
Oregon.
Washington.
16 USC 544 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be referred to as the "Columbia River Gorge National Scenic Area Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Purposes.
Sec. 4. Establishment of the scenic area.
Sec. 5. The Columbia River Gorge Commission.
Sec. 6. The scenic area management plan.
Sec. 7. Administration of the scenic area.
Sec. 8. Administration of the special management areas.
Sec. 9. Land acquisitions.
Sec. 10. Interim management.
Sec. 11. Economic development.
Sec. 12. Old Columbia River highway.
Sec. 13. Tributary rivers and streams.
Sec. 14. Implementation measures.
Sec. 15. Enforcement.
Sec. 16. Authorization of appropriations.
Sec. 17. Savings provisions.
Sec. 18. Severability.

SEC. 2. DEFINITIONS.

16 USC 544.

As used in this Act, the term—

(a) "adversely affect" or "adversely affecting" means, except as used in section 15, a reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on—

(1) the context of a proposed action;

(2) the intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

(3) the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and

(4) proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant affects to an insignificant level;

(b) "agricultural lands" means lands designated as agricultural lands pursuant to section 6 of this Act;

(c) "Commission" means the Columbia River Gorge Commission established pursuant to section 5 of this Act; 100 STAT. 4275

(d) "counties" means Hood River, Multnomah, and Wasco Counties, Oregon; and Clark, Klickitat, and Skamania Counties, Washington;

(e) "Dodson/Warrendale Special Purchase Unit" means the Dodson/Warrendale Special Purchase Unit established pursuant to section 4 of this Act;

(f) "forest lands" means lands designated as forest lands pursuant to section 6 of this Act;

(g) "Indian tribes" means the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation;

(h) "interim guidelines" means any interim guidelines developed by the Secretary pursuant to section 10 of this Act, and any amendment, revision, or variance;

(i) "land use ordinance" or "ordinance" means any ordinance adopted by a county or by the Commission pursuant to this Act, and includes any amendment to, revision of, or variance from such ordinance;

(j) "major development actions" means any of the following:

(1) subdivisions, partitions and short plat proposals;

(2) any permit for siting or construction outside urban areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment;

(3) the exploration, development and production of mineral resources unless such exploration, development or production can be conducted without disturbing the surface of any land within the boundaries of a special management area or is for sand, gravel and crushed rock used for the construction, maintenance or reconstruction of roads within the special management areas used for the production of forest products; and

(4) permits for siting or construction within a special management area of any residence or other related major structure on any parcel of land less than forty acres in size;

(k) "management plan" means the scenic area management plan adopted pursuant to section 6 of this Act;

(l) "open spaces" means unimproved lands not designated as agricultural lands or forest lands pursuant to section 6 of this Act and designated as open space pursuant to section 6 of this Act. Open spaces include—

(1) scenic, cultural, and historic areas;

(2) fish and wildlife habitat;

(3) lands which support plant species that are endemic to the scenic area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;

(4) ecologically and scientifically significant natural areas;

(5) outstanding scenic views and sites;

(6) water areas and wetlands;

(7) archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;

(8) potential and existing recreation resources; and

(9) Federal and State wild, scenic, and recreation waterways;

(m) "recreation assessment" means the recreation assessment adopted pursuant to section 6 of this Act;

(n) "residential development" means the permitting for siting or construction of any residence or other related major structure;

(o) "scenic area" means the Columbia River Gorge National Scenic Area established pursuant to section 4 of this Act;

(p) "Secretary" means the Secretary of Agriculture;

(q) "special management areas" means areas within the scenic area established pursuant to section 4 of this Act;

(r) "States" means the States of Oregon and Washington; and

(s) "urban areas" means those areas within the scenic area identified as urban areas on the map referred to in section 4(e) of this Act or within the boundaries of an urban area as revised pursuant to section 4(f).

SEC. 3. PURPOSES.

16 USC 544a.

The purposes of this Act are—

(1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

SEC. 4. ESTABLISHMENT OF THE SCENIC AREA.

16 USC 544b.

(a) NATIONAL SCENIC AREA.—(1) There is hereby established the Columbia River Gorge National Scenic Area.

Public information.

(2) The boundaries of the scenic area shall be generally depicted on the map entitled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001 sheets 1 and 2, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service.

(b) SPECIAL MANAGEMENT AREAS.—(1) The following areas within the boundaries of the scenic area are hereby designated "Special Management Areas": Gates of the Columbia River Gorge; Wind Mountain; Burdoin Mountain; and Rowena.

(2) The boundaries of the special management areas designated in this section—

Public information.

(A) shall be generally depicted on the map entitled "Special Management Areas, Columbia River Gorge National Scenic Area", numbered SMA-002 sheets 1 through 17, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service; and

(B) shall include all islands within the boundaries of the scenic area.

Federal Register, publication.

(c) REVISION OF SPECIAL MANAGEMENT AREA BOUNDARIES.—The Secretary, in consultation with the Commission, may make minor revisions in the boundaries of special management areas after publication of notice to that effect in the Federal Register and submission of notice thereof to the Committee on Energy and Natural Resources of the United States Senate and the Committees on

100 STAT. 4277

Agriculture and Interior and Insular Affairs of the United States House of Representatives. Such notice shall be published and submitted at least sixty days before the revision is made. Notice of final action regarding such revision shall also be published in the Federal Register.

Federal Register, publication.

(d) DODSON/WARRENDALE SPECIAL PURCHASE UNIT.—(1) There is hereby established the Dodson/Warrendale Special Purchase Unit.

Public information.

(2) The boundaries of the Dodson/Warrendale Special Purchase Unit shall be generally depicted on the map entitled "Dodson/Warrendale Special Purchase Unit, Columbia River Gorge National Scenic Area", numbered SPU-003 sheet 1, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service.

(e) URBAN AREAS.—(1) The following cities and towns are hereby designated as "Urban Areas": Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington.

Public information.

(2) The boundaries of urban areas shall be generally depicted on the map entitled, "Urban Areas, Columbia River Gorge National Scenic Area", numbered UA-004 sheets 1 through 11, and dated September 1986, which shall be on file and available for public inspection in the offices of the Commission and of the Chief, Forest Service. The boundaries of urban areas designated in this subsection may be revised pursuant to the provisions of this section.

(f) REVISION OF URBAN AREA BOUNDARIES.—(1) Upon application of a county and in consultation with the Secretary, the Commission may make minor revisions to the boundaries of any urban area identified in subsection 4(e) of this section. A majority vote of two-thirds of the members of the Commission, including a majority of the members appointed from each State, shall be required to approve any revision of urban area boundaries.

(2) The Commission may revise the boundaries of an urban area only if it finds that—

(A) a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;

(B) revision of urban area boundaries would be consistent with the standards established in section 6 and the purposes of this Act;

(C) revision of urban area boundaries would result in maximum efficiency of land uses within and on the fringe of existing urban areas; and

Agriculture and agricultural commodities. Forests and forest products. 16 USC 544c.

(D) revision of urban area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces.

SEC. 5. THE COLUMBIA RIVER GORGE COMMISSION.

(a) ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION.—(1) To achieve the purposes of this Act and to facilitate cooperation among the States of Oregon and Washington, and with the United States of America, the consent of Congress is given for an agreement described in this Act pursuant to which, within one year after the date of enactment of this Act—

Compacts between States.

(A) the States of Oregon and Washington shall establish by way of an interstate agreement a regional agency known as the Columbia River Gorge Commission, and shall incorporate this

100 STAT. 4278

Act by specific reference in such agreement. The Commission shall carry out its functions and responsibilities in accordance with the provisions of the interstate agreement and of this Act and shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law;

(B) the States of Oregon and Washington shall provide to the Commission, State agencies, and the counties under State law the authority to carry out their respective functions and responsibilities in accordance with the provisions of paragraph (1)(A) of this subsection; and

(C) the States of Oregon and Washington shall appoint members of the Commission as provided in clauses (i) through (iii), subject to applicable State law: *Provided*, That the Governor of either State may extend the time for appointment of Commission members ninety days to provide more time for the States and counties to make such appointments. Membership of the Commission shall be as follows:

(i) six members, comprised of one resident from each of the following counties: Hood River, Multnomah, and Wasco Counties, Oregon, and Clark, Klickitat, and Skamania Counties, Washington, to be appointed by the governing body of each of the respective counties: *Provided*, That in the event the governing body of a county fails to make such appointment, the Governor of the State in which the county is located shall appoint such member;

(ii) three members who reside in the State of Oregon, at least one of whom shall be a resident of the scenic area, to be appointed by the Governor of Oregon;

(iii) three members who reside in the State of Washington, at least one of whom shall be a resident of the scenic area, to be appointed by the Governor of Washington; and

(iv) one ex officio, nonvoting member who shall be an employee of the Forest Service, to be appointed by the Secretary.

Effective date.

(2) The agreement shall take effect and the Commission may exercise its authorities pursuant to the agreement upon the appointment of four initial members from each State, subject to applicable State law, and the date of such an agreement shall be the date of establishment of the Commission. Such agreement is hereby consented to by the Congress.

(3) Either State or any county may fill any vacancy occurring prior to the expiration of the term of any member originally appointed by that State or county. Each member appointed to the Commission shall serve a term of four years, except that, with respect to members initially appointed pursuant to paragraph (1)(C)(i), each Governor shall designate one member to serve for a term of five years and one to serve for a term of six years, and one member from each State initially appointed pursuant to paragraph (1)(C) (ii) and (iii) shall be designated by the Governor to serve a term of five years, and one to serve a term of six years. Neither the Governors nor the governing bodies of any of the counties may appoint Federal, State, or local elected or appointed officials to the Commission.

(4) A majority of the members of the Commission shall constitute a quorum. The members of the Commission shall select from among themselves a Chairman by majority vote of the members appointed from each State.

100 STAT. 4279

(5) Except for the ex-officio member appointed pursuant to paragraph (1)(C)(iv), the members and officers and employees of the Commission shall not be officers or employees of the United States for any purpose. The Commission shall appoint, fix compensation for, and assign and delegate duties to such officers and employees as the Commission deems necessary to fulfill its functions under this Act. The compensation of Commission members shall be fixed by State law. The compensation of Commission members, officers, and employees and the expenses of the Commission shall be paid from funds provided to the Commission by the States.

Regulations.

(b) **Applicable Law.**—For the purposes of providing a uniform system of laws, which, in addition to this Act, are applicable to the Commission, the Commission shall adopt regulations relating to administrative procedure, the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Commission, advisory committees, and disclosure of information consistent with the more restrictive statutory provisions of either State. Regulations applicable to financial disclosure under this subsection shall be applied to members of the Commission without regard to the duration of their service on the Commission or the amount of compensation received for such service. No contract, obligation, or other action of the Commission shall be an obligation of the United States or an obligation secured by the full faith and credit of the United States.

(c) ASSISTANCE TO THE COMMISSION.—Upon the request of the Commission, the Secretary and other Federal agencies are authorized to provide information, personnel, property, and services on a reimbursable basis, and the Secretary is authorized to provide technical assistance on a nonreimbursable basis, to the Commission to assist it in carrying out its functions and responsibilities pursuant to this Act.

Voluntarism.

(d) ADVISORY COMMITTEES.—The Commission shall establish voluntary technical and citizen advisory committees to assist the Commission in carrying out its functions and responsibilities pursuant to this Act.

16 USC 544d.

SEC. 6. THE SCENIC AREA MANAGEMENT PLAN.

(a) STUDIES.—Within one year after the date the Commission is established, it shall, in cooperation with the Secretary, complete the following studies for use in preparing the management plan:

(1) RESOURCE INVENTORY.—The Commission shall complete a resource inventory. The resource inventory shall—

Indians.

(A) document all existing land uses, natural features and limitations, scenic, natural, cultural, archaeological and recreation and economic resources and activities: *Provided*, That the location of any Indian burial grounds, village sites, and other areas of archaeological or religious significance shall not be made public information and such information shall be used for administrative purposes only; and

(B) incorporate without change the resource inventory developed by the Secretary pursuant to section 8 of this Act for the special management areas.

(2) ECONOMIC OPPORTUNITY STUDY.—The Commission shall complete a study to identify opportunities to enhance the economies of communities in the scenic area in a manner consistent with the purposes of this Act.

100 STAT. 4280

(3) RECREATION ASSESSMENT.—The Commission shall complete an assessment of recreation resources and opportunities for enhancement of these resources. The recreation assessment shall—

(A) designate the location and specify the construction of an interpretive center or other appropriate facility, to be located in the State of Oregon, and of a conference center or other appropriate facility, to be located in the State of Washington;

(B) identify areas within the scenic area that are suitable for other public use facilities, including but not limited to educational and interpretive facilities, campsites, picnic areas, boat launch facilities and river access areas; and

Indians.

(C) subject to the treaty and other rights of Indian tribes, designate areas to provide increased access for recreation purposes to the Columbia River and its tributaries; and

(D) incorporate without change the recreation assessment developed by the Secretary pursuant to section 8 of this Act for the special management areas.

(b) LAND USE DESIGNATIONS.—Within two years after the Commission is established, it shall develop land use designations for the use of non-Federal lands within the scenic area. The land use designations shall—

(1) be based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section, and consistent with the standards established in subsection (d) of this section;

(2) designate those lands used or suitable for the production of crops, fruits or other agricultural products or the sustenance of livestock as agricultural lands;

Agriculture and agricultural commodities.

(3) designate lands used or suitable for the production of forest products as forest lands;

Forests and forest products.

(4) designate lands suitable for the protection and enhancement of open spaces;

(5) designate areas in the scenic area outside special management areas used or suitable for commercial development: *Provided*, That such designation shall encourage, but not require, commercial development to take place in urban areas and shall take into account the physical characteristics of the areas in question and their geographic proximity to transportation, commercial, and industrial facilities and other amenities;

Urban areas.

(6) designate areas used or suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities; and

(7) incorporate without change the designation of urban areas established in section 4(e) of this Act.

Urban areas.

(c) ADOPTION OF THE MANAGEMENT PLAN.—Within three years after the date the Commission is established, it shall adopt a management plan for the scenic area. The Commission shall adopt the management plan by a majority vote of the members appointed, including at least three members from each State. The management plan shall—

(1) be based on the results of the resource inventory developed pursuant to subsection (a)(1) of this section;

(2) include land use designations developed pursuant to subsection (b) of this section;

100 STAT. 4281

(3) be consistent with the standards established in subsection (d) of this section;

(4) incorporate without change the management direction for the use of Federal lands within and the land use designations for the special management areas adopted by the Secretary pursuant to section 8 of this Act; and

(5) include guidelines for the adoption of land use ordinances for lands within the scenic area. The guidelines—

(A) shall incorporate without change the guidelines for the development of special management area land use ordinances developed by the Secretary pursuant to section 8 of this Act; and

(B) shall not apply to urban areas designated in section 4(e) of this Act.

Urban areas.

(d) STANDARDS FOR THE MANAGEMENT PLAN.—The management plan and all land use ordinances and interim guidelines adopted pursuant to this Act shall include provisions to—

(1) protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands;

Agriculture and agricultural commodities.

(2) protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest lands to agricultural lands, recreation development or open spaces;

Forests and forest products.

(3) protect and enhance open spaces;

(4) protect and enhance public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the recreation assessment adopted pursuant to subsection (a) of this section;

(5) prohibit major development actions in special management areas, except for partitions or short plats which the Secretary determines are desirable to facilitate land acquisitions pursuant to this Act;

(6) prohibit industrial development in the scenic area outside urban areas;

(7) require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the scenic area;

(8) require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area; and

Minerals. Reclamation projects.

(9) require that the exploration, development and production of mineral resources, and the reclamation of lands thereafter, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area.

State and local governments. Indians.

(e) Agency Consultation and Public Involvement.—The Secretary and the Commission shall exercise their responsibilities pursuant to this Act in consultation with Federal, State, and local governments having jurisdiction within the scenic area or expertise pertaining to its administration and with Indian tribes. The Secretary and the Commission shall conduct public hearings and solicit public comment prior to final adoption of the management plan and the Commission shall conduct public hearings and solicit public comment prior to final adoption of land use ordinances. The Commission and the appropriate county shall promptly notify the Secretary, the States, local governments and Indian tribes of all proposed major development actions and residential development in the scenic area.

100 STAT. 4282

(f) Concurrence of the Management Plan.—

(1) Review by the secretary.—Upon adoption of the management plan, the Commission shall promptly submit the plan to the Secretary for review. If the Secretary agrees with the Commission that the management plan is consistent with the standards established in this section and the purposes of this Act, the Secretary shall concur to that effect. Should the Secretary fail to act on the proposed plan within ninety days, the Secretary shall be deemed to have concurred on the management plan.

(2) Denial of concurrence.—If concurrence is denied, the Secretary shall state the reasons for finding the plan is inconsistent with the standards established in this section or the purposes of this Act, and shall submit to the Commission suggested modifications to the management plan to make it consistent with such standards and the purposes of this Act.

(3) Commission reconsideration.—Within one hundred and twenty days after receipt of notification of non-concurrence, the Commission shall—

(A) revise and resubmit the plan to the Secretary; or

(B) by a vote of two-thirds of its membership, including a majority of the members appointed from each State, reject the suggested modifications of the Secretary and adopt a management plan consistent with the provisions of this section and the purposes of this Act.

(g) Revision of the Plan.—No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall review the management plan to determine whether it should be revised. The Commission shall submit any revised management plan to the Secretary for review and concurrence, in accordance with the provisions of this section for adoption of the management plan.

(h) Amendment of the Plan.—If the Commission determines at any time that conditions within the scenic area have significantly changed, it may amend the management plan. The Commission shall submit amendments to the management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.

SEC. 7. ADMINISTRATION OF THE SCENIC AREA.

16 USC 544e.

(a) **Management of the Scenic Area.**—The non-Federal lands within the scenic area shall be administered by the Commission in accordance with the management plan and this Act.

(b) **Adoption of Scenic Area Land Use Ordinances.**—

(1) Within sixty days of initial receipt of the management plan, each county shall submit to the Commission a letter stating that it proposes to adopt a land use ordinance consistent with the management plan. If any county fails to submit such letter or fails to adopt a land use ordinance as provided in this section, the Commission shall carry out the requirements of subsection (c) of this section.

(2) Within two hundred and seventy days of receipt of the management plan, each county shall adopt a land use ordinance consistent with the management plan, and thereafter may adopt an amendment, revision or variance to a land use ordinance at any time. Each county upon adoption of a land use ordinance shall promptly submit the ordinance to the Commission.

(3) **Approval by commission.**—(A) Within ninety days after receipt of a land use ordinance, the Commission, by majority vote including at least three members from each State, shall approve the ordinance unless it determines the ordinance is inconsistent with the management plan. Should the Commission fail to act within ninety days, the ordinance shall be deemed to be approved.

(B) If approval is denied, the Commission shall state the reasons for finding the ordinance is inconsistent with the management plan, and shall submit to the county suggested modifications to the ordinance to make it consistent with the management plan.

(C) Each county shall have ninety days after it receives recommendations from the Commission to make modifications designed to eliminate the inconsistencies and to resubmit the ordinance to the Commission for approval. The Commission shall have sixty days to approve or disapprove the resubmitted ordinance. Any resubmitted ordinance shall become effective upon approval. Should the Commission disapprove the resubmitted ordinance, it shall promptly resubmit the ordinance for reconsideration. Should the Commission fail to act within sixty days, the ordinance shall be deemed to be approved.

(c) **Commission Land Use Ordinances.**—(1) Within ninety days after making a determination that a county has failed to comply with the provisions of this section, the Commission shall make and publish a land use ordinance setting standard for the use of non-Federal lands in such county within the boundaries of the national scenic area, excluding urban areas identified in section 4(e) of this Act. The ordinance shall have the object of assuring that the use of such non-Federal lands is consistent with the management plan. The ordinance may differ amongst the several parcels of land within the boundaries of the scenic area. The ordinance may from time to time be amended by the Commission.

(2) **Subsequent Compliance.**—In the event the Commission has promulgated regulations pursuant to this section, a county may thereafter upon written notice to the Commission elect to adopt a land use ordinance, in which event it shall comply with the provisions of this section for adoption of a land use ordinance. Upon approval of a land use ordinance by the Commission it shall supersede any regulations for the county developed by the Commission, subject to valid existing rights.

(d) **Construction of Facilities.**—The Secretary is hereby authorized to design, construct, operate and maintain such facilities as are included in the recreation assessment.

16 USC 544f.

SEC. 8. ADMINISTRATION OF THE SPECIAL MANAGEMENT AREAS.

National Forest System. Forests and forest products.

(a) ADMINISTRATION OF FEDERAL LANDS.—(1) The Secretary shall administer Federal lands within the special management areas in accordance with this Act and other laws, rules and regulations applicable to the national forest system. In addition, the construction of roads and the management, utilization and harvest of timber on Federal lands within the special management areas also shall be subject to Forest Service visual resource management guidelines. The Secretary shall utilize lands acquired through exchange in calculating the allowable sales quantity on the Gifford Pinchot and Mount Hood National Forests.

(b) WITHDRAWAL OF FEDERAL LANDS.—Subject to valid existing rights, all Federal lands located in the special management areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral and geothermal leasing: *Provided,* That the Secretary may allow the exploration, development, or production of sand, gravel, and crushed rock as necessary to construct, maintain, or reconstruct roads in the special management areas.

(c) RESOURCE INVENTORY.—The Secretary shall complete a resource inventory for the special management areas consistent with the process and substance of the inventory prescribed by section 6(a)(1) of this Act.

(d) RECREATION ASSESSMENT.—Within two years after the date of enactment of this Act, the Secretary shall complete an assessment of recreation resources in the special management areas and opportunities for enhancement of these resources. The recreation assessment shall—

(1) identify areas within the special management areas suitable for designation by the Commission pursuant to section 6 of this Act for the construction of an interpretive center or other appropriate facility, to be located in the State of Oregon, and of a conference center or other appropriate facility, to be located in the State of Washington;

(2) identify areas within the special management areas suitable for other public use facilities, including but not limited to educational and interpretive facilities, campsites, picnic areas, boat launch facilities, and river access areas; and

Indians.

(3) subject to the treaty or other rights of Indian tribes, identify areas with the special management areas suitable for use to increase access for recreation purposes to the Columbia River and its tributaries.

(e) LAND USE DESIGNATIONS.—Within three years after the date of enactment of this Act, the Secretary shall develop land use designations for the special management areas. The land use designations shall be—

(1) based on the resource inventory prepared by the Secretary pursuant to this section; and

(2) consistent with the standards established in section 6 of this Act.

Forests and forest products.

(f) GUIDELINES FOR LAND USE ORDINANCES.—(1) Within three years after the date of enactment of this Act, the Secretary shall, in consultation with the Commission, develop guidelines to assure that non-Federal lands within the special management areas are managed consistent with the standards in section 6 and the purposes of this Act. The Secretary shall promptly transmit the guidelines to the Commission for inclusion in the management plan. The guidelines shall require that management, utilization, and disposal of timber, and exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest forest products on non-Federal lands within the special management areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area.

100 STAT. 4285

(h) **Adoption of Special Management Area Land Use Ordinances.**—(1) Within sixty days of receipt of the management plan, each county shall submit to the Commission a letter stating that it proposes to adopt a land use ordinance consistent with the management plan. If any county fails to submit a letter as provided in this subsection, or fails to adopt a land use ordinance as provided in this section, the Commission shall carry out the requirements of subsection (l) of this section.

(2) Within two hundred and seventy days of receipt of the management plan, each county shall adopt a special management area land use ordinance consistent with the management plan, and thereafter may adopt an amendment, revision or variance to a land use ordinance at any time. Each county upon adoption of a special management area land use ordinance shall promptly submit the adopted ordinance to the Commission.

(i) **Review by the Commission.**—(1) The Commission shall review the special management area land use ordinance received from each county, and within ninety days after receipt shall make a tentative determination as to whether the ordinance is consistent with the management plan. If the Commission makes a tentative determination that the land use ordinance is consistent with the management plan, the Commission shall send the ordinance to the Secretary for concurrence.

(2) If the Commission makes a tentative determination that the land use ordinance is inconsistent with the management plan, the Commission shall state the reasons for the determination and shall return the ordinance to the appropriate county with suggested modifications required for consistency with the management plan.

(3) Each county shall have ninety days after it is notified by the Commission to make modifications designed to eliminate the inconsistencies and to resubmit the ordinance to the Commission for tentative determination of consistency. The Commission shall have sixty days to make a tentative consistency determination on the resubmitted ordinance. If found consistent, the land use ordinance shall be transmitted by the Commission to the Secretary for concurrence that the ordinance is consistent with the management plan. If the Commission finds the resubmitted ordinance inconsistent, the Commission shall adopt an ordinance pursuant to subsection (l) of this section.

Public information.

(j) **Concurrence by the Secretary.**—(1) Upon receipt of a special management area land use ordinance from the Commission, the Secretary shall notify the public of such receipt and shall, within ninety days thereafter, concur with the Commission's tentative determination of consistency with the management plan unless the Secretary determines the ordinance is inconsistent. Any ordinance submitted to the Secretary shall become effective upon notification of concurrence. Should the Secretary fail to act within ninety days, the Secretary shall be deemed to have concurred with the Commission's tentative consistency determination.

Effective date.

(2) **Denial of Concurrence.**—If concurrence is denied, the Secretary shall state the reasons therefor and shall submit to the Commission suggested modifications to the land use ordinances to make them consistent with the management plan and the purposes of this Act.

(k) **Commission Reconsideration.**—Upon receipt of notification of nonconcurrence by the Secretary, the Commission shall resubmit the land use ordinance to the appropriate county. Such county shall within ninety days, reconsider and revise the ordinance and resubmit the ordinance to the Commission for reconsideration in accordance with the provisions of this section. Should the Secretary again deny concurrence, the Commission shall either prepare a land use ordinance for such county pursuant to subsection (l) of this section or, by a two-thirds vote of the membership of the Commission including a majority of the members appointed from each State, determine that the ordinance is consistent with the management plan.

100 STAT. 4286

(l) Commission Ordinances.—(1) Within ninety days after making a determination that a county has failed to comply with the provisions of subsection (h) of this section, the Commission shall make and publish an ordinance setting standards for the use of non-Federal lands of such county within the boundaries of the special management areas. The ordinances shall have the object of assuring that the use of such lands is consistent with the management plan. The ordinances may differ amongst the several parcels of land within the boundaries of the special management areas. The ordinances may from time to time be amended by the Commission.

Effective date.

(2) The Commission shall promptly submit the ordinance to the Secretary. The Secretary shall, within ninety days after receipt of the ordinance from the Commission, concur with the tentative determination that the land use ordinance is consistent with the management plan unless a determination of inconsistency is made. Any ordinance submitted to the Secretary shall become effective upon concurrence. Should the Secretary fail to concur within ninety days, the land use ordinance shall be effective.

(3) If concurrence is denied, the Secretary shall state the reasons for finding the ordinance is inconsistent with the management plan, and shall submit to the Commission suggested modifications to the ordinance to make it consistent with the plan.

Effective date.

(4) The Commission shall have ninety days after it receives recommendations from the Secretary to make modifications designed to eliminate the inconsistencies and to resubmit the ordinance to the Secretary for concurrence. The Secretary shall have sixty days to concur with the resubmitted ordinance. Any resubmitted ordinance shall become effective upon concurrence by the Secretary. Should the Secretary deny concurrence for the resubmitted ordinance, the Secretary shall state the reasons therefor and shall promptly resubmit the ordinance for reconsideration. Should the Secretary fail to concur within sixty days, the ordinance shall be deemed effective.

(5) Within one hundred and twenty days after receipt of notification of non-concurrence, the Commission shall—

(A) revise and resubmit the land use ordinance to the Secretary; or

(B) by a vote of two-thirds of its membership, including a majority of the members appointed from each State, reject the suggested modifications of the Secretary and adopt a land use ordinance consistent with the provisions of this section and the purposes of this Act.

100 STAT. 4287

(m) Subsequent Compliance.—In the event the Commission has adopted an ordinance pursuant to this section, the affected county may thereafter, upon written notice to the Commission and to the Secretary, elect to adopt a special management area land use ordinance, in which event it shall comply with the provisions of this section for adoption of special management area land use ordinances. Upon concurrence of such land use ordinances by the Secretary they shall supersede any special management area land use ordinances for the county development by the Commission, subject to valid existing rights.

(n) Effect of Secretary's Non-Concurrence.—If the Secretary does not concur in any land use ordinance approved or adopted by the Commission pursuant to this section, the availability of certain funds to the relevant county shall be governed by section 16(c) of this Act.

(o) Special Rules.—Any ordinance adopted pursuant to this section shall not apply to any parcel or parcels of land within a special management area if, after the date such ordinance has been adopted, three years have elapsed after a landowner has made a bona fide offer to sell at fair market value or otherwise convey such parcel or parcels to the Secretary, unless the affected landowner agrees to an extension of the three year period: *Provided*, That an offer shall not be considered bona fide if the landowner refuses consideration equal to the fair market value as appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 1973). Lands for which an ordinance is suspended pursuant to this subsection shall be subject to the relevant scenic area land use ordinance adopted pursuant to section 7 of this Act.

SEC. 9. LAND ACQUISITION.

16 USC 544g.

(a) Acquisition Authorized.—(1) The Secretary is authorized to acquire any lands or interests therein within the special management areas and the Dodson/Warrendale Special Purchase Unit which the Secretary determines are needed to achieve the purposes of this Act: *Provided,* That any lands, waters, or interests therein owned by either State or any political subdivision thereof may be acquired only by donation or exchange.

State and local governments.
Gifts and property.
National Forest System.

(2) Lands within the State of Oregon acquired by the Secretary pursuant to this Act shall become part of the Mount Hood National Forest. Lands within the State of Washington acquired by the Secretary pursuant to this section shall become part of the Gifford Pinchot National Forest. All lands acquired by the Secretary pursuant to this Act shall be subject to the laws and regulations pertaining to the National Forest System and this Act.

(b) Limitations on Eminent Domain.—

(1) Where authorized in subsection (a) of this section to acquire land or interests therein without the consent of the owner, the Secretary shall—

(A) acquire only such land or interests therein as is reasonably necessary to accomplish the purposes of this Act; and

(B) do so only in cases where all reasonable efforts to acquire with the consent of the owner such lands, or interests therein, have failed.

(2) Notwithstanding the provisions of subsection (a) of this section, the Secretary may not acquire without the consent of the owner lands or interests therein which—

(A) on the date of enactment of this Act, were used primarily for educational, religious, or charitable purposes, single-family residential purposes, farming, or grazing so long as the existing character of that use is not substantially changed or permitted for change;

100 STAT. 4288

(B) are located in counties with land use ordinances in which the Secretary has concurred pursuant to section 8 of this Act, unless such lands are being used, or are in imminent danger of being used, in a manner incompatible with such ordinances;

(C) are within the boundaries of the Dodson/Warrendale Special Purchase Unit; or

(D) are owned by an Indian tribe, held in trust by the United States for an Indian tribe or member of an Indian tribe, or otherwise administered by the United States for the benefit of an Indian tribe or member of an Indian tribe.

Indians.

(c) Hardship Cases.—In exercising authority to acquire lands pursuant to this section the Secretary shall give prompt and careful consideration to any offer made by any person or entity owning any land, or interest in land, within the boundaries of a special management area. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property.

(d) Land Exchanges.—(1) The Secretary is authorized and directed, in conformance with the provisions of this subsection, to acquire by exchange any parcel of unimproved forest land at least forty acres in size within the boundaries of the special management areas which is owned by any private forest land owner if, after enactment of this Act but within one hundred and eighty days after final adoption of the management plan, such private forest land owner offers to the United States such parcel of forest land.

Forests and forest products.

(2) In exercising this authority to acquire forest lands pursuant to this subsection, the Secretary may accept title to such lands and convey to the owner federally owned lands deemed appropriate by the Secretary within the States of Oregon and Washington, regardless of the State in which the transferred lands are located. Forest lands exchanged pursuant to this subsection shall be of approximately equal value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged: *Provided further*, That the Secretary may reserve in any conveyance pursuant to this subsection such easements, subsurface rights, and any other interests in land deemed necessary or desirable: *Provided further*, That the valuation of lands exchanged shall be determined in terms of forest uses for timber.

Report.

(3) It is the intention of Congress that land exchanges pursuant to this subsection shall be completed no later than five years after the date of enactment of this Act. No later than sixty days after the enactment of this Act, and every one hundred and eighty days thereafter, the Secretary shall report in writing to the Committee on Energy and Natural Resources of the United States Senate and the Committees on Agriculture and Interior and Insular Affairs of the United States House of Representatives, on the status of negotiations with owners of non-Federal lands to effect the exchanges authorized by this subsection.

Forests and forest products.

(4) In the event that exchanges authorized by this section leave any private forest land owner with ownership of an uneconomic remnant of forest land contiguous to a special management area, the Secretary is authorized to acquire such forest lands as if they were within the boundaries of a special management area.

Public lands.

100 STAT. 4289

(5) The following-described Federal lands and interests therein are hereby identified as candidate lands for exchanges conducted pursuant to this section: *Provided*, That the determination of which candidate lands will be exchanged, and in what sequence, shall be at the discretion of the Secretary. Subject to valid existing rights, such lands are hereby withdrawn from all forms of entry or appropriation or disposal under the public land laws, and from location, entry, and patent under the United States mining law, and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto until the Secretary determines such lands are no longer needed to complete exchanges authorized by this section: *Provided*, That such period shall not extend beyond five years:

GIFFORD PINCHOT NATIONAL FOREST

Wind River-Panther Creek Area

Section	Township	Range
35	4N	7E
36	4N	7E
Approx. 430 acres.		

South Swift Area

Section	Township	Range
13	6N	5E
23	6N	5E
17	6N	6E
18	6N	6E
Approx. 1,920 acres.		

National Area

Section	Township	Range
6	14N	7E
7	14N	7E
18	14N	7E
30	14N	7E
Approx. 2,560 acres.		

Buck Creek-Willard Area

Section	Township	Range
16	3N	9E
1	4N	9E
2	4N	9E
3	4N	9E
10	4N	9E
11	4N	9E
12	4N	9E
15	4N	9E
21	4N	9E
22	4N	9E
26	4N	9E
27	4N	9E
28	4N	9E
29	4N	9E
30	4N	9E
31	4N	9E
32	4N	9E
33	4N	9E
34	4N	9E
35	4N	9E
6	4N	10E
7	4N	10E
5	5N	10E
6	5N	10E
7	5N	10E
8	5N	10E
9	5N	10E
30	5N	10E
31	5N	10E
32	5N	10E
Approx. 14,460 acres.		

100 STAT. 4290

SIUSLAW NATIONAL FOREST

East Beaver Area

Section	Township	Range
33	2S	9W
34	2S	9W
2	3S	9W
3	3S	9W
4	3S	9W
8	3S	9W
9	3S	9W
17	3S	9W
Approx. 3,053 acres.		

WILLAMETTE NATIONAL FOREST

Ida-McCoy Area

Section	Township	Range
21	10S	6E
28	10S	6E
Approx. 680 acres.		

MOUNT HOOD NATIONAL FOREST

Estacada Area

Section	Township	Range
15	4S	5E
Approx. 560 acres.		

Hood River Area

Section	Township	Range
4	1N	9E
36	1N	10E
31	1N	11E
2	1S	9E
3	1S	9E
4	1S	9E
5	1S	9E
6	1S	9E
Approx. 5,800 acres.		

Zig-Zag Area

Section	Township	Range
22	2S	7E
29	2S	7E
Approx. 280 acres.		
Total acreage: 29,743.		

Effective date.

(e) BOUNDARIES.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the scenic area, including special management areas and the Dodson/Warrendale Special Purchase Unit shall be treated as if they were within the boundaries of the Mount Hood or Gifford Pinchot National Forests as of January 1, 1965.

16 USC 544h.

SEC. 10. INTERIM MANAGEMENT.

(a) INTERIM GUIDANCES.—(1) Within one hundred and eighty days after the date of enactment of this Act, the Secretary shall develop interim guidelines for the scenic area outside urban areas to identify land use activities which are inconsistent with this Act and to govern the authority to acquire land without the consent of the owner provided by subsection (b) of this section. The Secretary shall promptly notify the public of adoption of the interim guidelines and transmit the guidelines to each county. Guidelines adopted by the Secretary pursuant to this subsection shall remain in effect for each county until the Secretary has developed guidelines for the special management areas pursuant to section 8 of this Act and the land use ordinances prescribed by section 7 are in effect.

(b) INTERIM ACQUISITION AUTHORITY AND INJUNCTIVE RELIEF.—Prior to the concurrence by the Secretary of land use ordinances prescribed by section 8 of this Act and the approval by the Commission of land use ordinances prescribed by section 7 of this Act, the following authorities are granted:

(1) The Secretary may acquire by condemnation any land or interest which is being used or threatened to be used in a manner inconsistent with the purposes for which the scenic area was established and which will cause or is likely to cause impacts adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area: *Provided*, That no lands or interests therein can be acquired by condemnation pursuant to

100 STAT. 4292

this section if used in the same manner and for the same purposes as used on the effective date of this Act, unless such land is used for or interest is in the development of sand, gravel, or crushed rock, or the disposal of refuse: *Provided further*, That within thirty days of the filing by the Secretary of a complaint for condemnation of any land or interest in the scenic area, outside of the special management areas and urban areas, the Commission, by a vote of two-thirds of its membership including a majority of the members appointed from each State, or if the Commission is not in existence the Governor of the State in which the land or interest is located, may disapprove such proposed complaint.

(2) Upon or after the commencement of any action for condemnation pursuant to this subsection, the Secretary, acting through the Attorney General of the United States, may apply to the appropriate United States District Court for a temporary restraining order or injunction to prohibit the use of any property within the scenic area, but outside of urban areas, which will cause or is likely to cause impacts adversely affecting the scenic, cultural, recreation and natural resources of the scenic area or is otherwise inconsistent with the purposes for which the scenic area was established. During the period of such order or injunction, the Secretary shall diligently and in good faith negotiate with the owner of the property to assure that, following termination of the order or injunction, the inconsistent use is abated or the adverse effect is mitigated.

(c) REVIEW OF DEVELOPMENT ACTION.—Prior to the effective date of a land use ordinance for each county pursuant to section 7 of this Act, and concurrence of the Secretary on a land use ordinance for each county pursuant to section 8 of this Act, the Commission shall review all proposals for major development actions and new residential development in such county in the scenic area, except urban areas. The Commission shall allow major development actions and new residential development only if it determines that such development is consistent with the standards contained in section 6 and the purposes of this Act.

SEC. 11. ECONOMIC DEVELOPMENT.

State and local governments.
Grants.
16 USC 544i.

(a) ECONOMIC DEVELOPMENT PLAN.—Based on the Economic Opportunity Study and other appropriate information, each State, in consultation with the counties and the Commission, shall develop a plan for economic development projects for which grants under this section may be used in a manner consistent with this Act.

Loans.

(b) FUNDS PROVIDED TO STATES FOR GRANTS.—Upon certification of the management plan, and receipt of a plan referred to in subsection (a) of this section, the Secretary shall provide $5,000,000 to each State which each State shall use to make grants and loans for economic development projects that further the purposes of this Act.

Loans.

(c) CONDITIONS OF GRANTS.—Each State making grants under this section shall require as a condition of a grant that—

(1) all activities undertaken under the grant are certified by the Commission as being consistent with the purposes of the Act, the management plan, and land use ordinances adopted pursuant to this Act;

(2) grants and loans are not used to relocate a business from one community to another;

100 STAT. 4293

(3) grants and loans are not used for program administration; and

(4) grants and loans are used only in counties which have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary pursuant to section 8 of this Act.

Loans.
Grants.

(d) REPORT.—Each State shall—

(1) prepare and provide the Secretary with an annual report

to the Secretary on the use of the funds made available under this section;

Records.

(2) make available to the Secretary and to the Commission, upon request, all accounts, financial records, and other information related to grants and loans made available pursuant to this section; and

(3) as loans are repaid, make additional grants and loans with the money made available for obligation by such repayments.

16 USC 544j.

SEC. 12. OLD COLUMBIA RIVER HIGHWAY.

Historic preservation.

The Oregon Department of Transportation shall, in consultation with the Secretary and the Commission, the State of Oregon and the counties and cities in which the Old Columbia River Highway is located, prepare a program and undertake efforts to preserve and restore the continuity and historic integrity of the remaining segments of the Old Columbia River Highway for public use as a Historic Road, including recreation trails to connect intact and usable segments.

16 USC 544k.

SEC. 13. TRIBUTARY RIVERS AND STREAMS.

(a) WATER RESOURCES PROJECTS.—The following rivers and streams shall be subject to the same restrictions on the licensing, permitting, and exempting from licensing and the construction of water resource projects as provided for components of the National Wild and Scenic Rivers System pursuant to section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)):

(1) any tributary river or stream to the Columbia River not designated in subsections (c) or (d) of this section or otherwise specified in this subsection which flows in whole or in part through a special management area, unless the construction of a water resources project would not have a direct and adverse effect on the scenic, cultural, recreation, and natural resources of the scenic area;

State and local governments.

(2) any river or river segment which flows in whole or in part through the scenic area and which is established pursuant to State law as a wild, scenic, or recreation river or which is under study pursuant to State law for the potential inclusion in any such State protected river system, unless such project or projects meet terms and conditions set by State agencies exercising administration over such river or river segment;

(3) the Wind River, Washington, for a period not less than three years following the later of—

(A) final approval of the Gifford Pinchot National Forest Plan, adopted pursuant to the National Forest Management Act of 1976 (Act of October 22, 1976, Public Law 94-588, as amended) (16 U.S.C. 1600 et seq.); or

Reports. President of U.S.

(B) submittal by the Secretary of a report to the President on the suitability or nonsuitability for addition to the national wild and scenic rivers system and a report by the President to the Congress of recommendations and proposals with respect to the designation of such river under the Wild and Scenic Rivers Act;

(4) the Hood River, Oregon, for a period not to exceed twenty years from the date of enactment of this Act, if such facility impounds or diverts water other than by means of a dam or diversion existing as of date of enactment of this Act; and

(5) the segment of the Little White Salmon, Washington, from the Willard National Fish Hatchery to its confluence with the Columbia River if such facility impounds or diverts water other than by means of a dam or diversion existing as of date of enactment of this Act.

Indians. 16 USC 544k.

(b) The provisions of subsection (a) shall not apply to those portions of tributary rivers or streams to the Columbia River which flow through or border on Indian reservations. Nothing in this section shall apply to or affect any segment of any river designated as a wild and scenic river under section 3 of the Wild and Scenic Rivers Act (16 U.S.C. 1274) or any river designated for study under section 5 of such Act (16 U.S.C. 1276).

16 USC 1274.

(c) WILD AND SCENIC RIVER DESIGNATIONS.—Section 3(a) of the Wild and Scenic Rivers Act (Public Law 90–542, Act of October 2, 1968, 82 Stat. 910, as amended) is further amended by adding the following new subsections:

"( ) Klickitat, Washington: The segment from its confluence with Wheeler Creek, Washington, near the town of Pitt, Washington, to its confluence with the Columbia River; to be classified as a recreation river and to be administered by the Secretary of Agriculture.

"( ) White Salmon, Washington: The segment from its confluence with Gilmer Creek, Washington, near the town of B Z Corner, Washington, to its confluence with Buck Creek, Washington; to be classified as a scenic river and to be administered by the Secretary of Agriculture.".

16 USC 1276.

(d) WILD AND SCENIC RIVER STUDIES.—Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90–542, Act of October 2, 1968, 82 Stat. 910, as amended) is further amended by adding the following new subsections:

Indians.

"( ) Klickitat, Washington: The segment from the southern boundary of the Yakima Indian Reservation, Washington, as described in the Treaty with the Yakimas of 1855 (12 Stat. 951), and as acknowledged by the Indian Claims Commission in Yakima Tribe of Indians v. U.S., 16 Ind. Cl. Comm. 536 (1966), to its confluence with the Little Klickitat River, Washington: *Provided*, That said study shall be carried on in consultation with the Yakima Indian Nation and shall include a determination of the degree to which the Yakima Indian Nation should participate in the preservation and administration of the river segment should it be proposed for inclusion in the Wild and Scenic Rivers system.

"( ) White Salmon, Washington: The segment from its confluence with Trout Lake Creek, Washington, to its confluence with Gilmer Creek, Washington, near the town of B Z Corner, Washington.".

SEC. 14. IMPLEMENTATION MEASURES.

16 USC 544*l*.

(a) ASSISTANCE TO COUNTIES.—The Secretary shall provide technical assistance on a nonreimbursable basis to counties for the development of land use ordinances prescribed by sections 7 and 8 of this Act: *Provided*, That in the event a county fails to obtain approval by the Commission for a land use ordinance within three years after the date technical assistance is first provided under this subsection for the development of a land use ordinance, the Secretary shall terminate all technical assistance for any participation in the development of such ordinance.

100 STAT. 4295

(b) PAYMENT OF TIMBER RECEIPTS.—(1) Notwithstanding the provisions of the last paragraph under the heading "Forest Service" of the Act of May 23, 1908 (c. 192, 35 Stat. 251, as amended; 16 U.S.C. 500), and of section 13 of the Act of March 1, 1911 (c. 186, 36 Stat. 961, as amended; 16 U.S.C. 500), that portion of which is paid under such provisions to the State of Oregon with respect to the special management areas within the Mount Hood National Forest, the Gates of the Columbia Gorge Special Management Area, Mount Hood National Forest, and to the State of Washington with respect to the special management areas within the Gifford Pinchot National Forest—

Schools and colleges.

(A) not less than 50 per centum shall be expended for the benefit of the public schools of the county which has adopted implementation measures pursuant to this Act; and

(B) the remainder shall be expended for the benefit of public roads or any public purposes of any county which has adopted implementation measures pursuant to this Act.

(2) Paragraph (1) of this subsection shall not apply—

(A) to any amount paid by the Secretary of the Treasury under the provisions of law referred to in subsection (b)(1) at the end of any fiscal year ending before the date of enactment of this Act; or

(B) for a particular county, if the county does not have in effect a land use ordinance which has been found consistent by the Commission and concurred on by the Secretary pursuant to section 8 of this Act.

Real property.
Taxes.

(c) Payments to Local Governments.—(1) Subject to section 16(b) of this Act, in the case of any land or interest therein acquired by the Secretary pursuant to section 9, which was subject to local real property taxes within the five years preceding such acquisition and which is located in a county which has in effect a land use ordinance which has been found consistent by the Commission and concurred on by the Secretary pursuant to section 8, the Secretary is authorized and directed to make annual payments to the county in which such lands are located in an amount equal to 1 per centum of the fair market value of such land or interest therein on the date of acquisition by the Secretary.

(2) Notwithstanding paragraph (1) of this subsection, any payment made for any fiscal year to a county pursuant to this subsection shall not exceed the amount of real property taxes assessed and levied on such property during the last full fiscal year before the fiscal year in which such land or interest therein was acquired by the Secretary.

(3) No payment shall be made under this subsection with respect to any land or interest therein after the fifth full fiscal year beginning after the first fiscal year in which such a payment was made with respect to such land or interest therein.

(d) Federal Consistency.—Except as otherwise provided in subsection (e) or in section 17 of this Act, Federal agencies having responsibilities within the scenic area shall exercise such responsibilities consistent with the provisions of this Act as determined by the Secretary.

100 STAT. 4296

(e) Limitations on Federal Expenditures Affecting the Scenic Area.—(1) Except as provided in paragraph (3), if the Commission has not been established pursuant to section 5 within fifteen months after the date of enactment of this Act, or is otherwise disestablished for any reason, no new expenditures or new financial assistance may be made available, and no new license or new permit, or exemption from a license or permit requirement, shall be issued, under authority of any Federal law for any activity within the scenic area, excluding urban areas, which the Secretary, determines is inconsistent with any implementation measure pursuant to, the standards established in section 6(b) of, or the purposes of this Act.

(2)(A)(i) An expenditure or financial assistance made available under authority of Federal law shall be treated, for purposes of this subsection, as a new expenditure or new financial assistance if—

(I) in any case with respect to which specific appropriations are required, no money for construction or purchase was appropriated before October 1, 1986; or

(II) no legally binding commitment for the expenditure or financial assistance was made before October 1, 1986.

Taxes.

30 USC 181 note.

31 USC 6901 *et seq.*

(ii) Payments made to the State pursuant to the following Acts shall not be treated as an expenditure or financial assistance for purposes of this subsection: the Act of May 23, 1908, (c. 192, 35 Stat. 251; 16 U.S.C. 500); section 13 of the Act of March 1, 1911 (c. 186, 36 Stat. 961; 16 U.S.C. 500); the Mineral Lands Leasing Act of 1920; chapter 69 of title 31 (relating to payments in lieu of taxes for entitlement land); the Act of June 9, 1916 (39 Stat. 218), and the Act of Feb. 26, 1919 (40 Stat. 1179).

(B) A license or permit, or exemption from a license or permit requirement, shall be treated, for purposes of this subsection, as a new license or new permit, or exemption from a license or permit requirement, if such license or permit, or exemption from a license or permit requirement, was issued on or after October 1, 1986. A renewal under similar terms and conditions of a license or permit, or exemption from a license or permit requirement, issued before October 1, 1986, shall not be treated as a new license or new permit, or exemption from a license or permit requirement.

(3) Notwithstanding paragraph (1), the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures or financial assistance available within the area for any of the following:

Rivers and harbors.

(A) The maintenance of existing channel improvements and related structures, and including the disposal of dredge materials related to such improvements.

Public buildings and grounds.

(B) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

Defense and national security.

(C) Military activities essential to national security.

(D) Any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the standards in section 6(b) and the purposes of this Act:

Fish and fishing. Wildlife.

(i) Projects for the study, management, protection and enhancement of fish and wildlife resources and habitats, including, but not limited to, acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

100 STAT. 4297

(ii) The establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(iii) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

Research and development.

(iv) Scientific research, including but not limited to aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

Safety.

(v) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146) and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

Public buildings and grounds.

(vi) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities. This clause shall not apply to roads, structures, or facilities referred to in paragraph (3)(B).

(vii) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

(4) The Director of the Office of Management and Budget shall, on behalf of each Federal agency concerned, make written certification that each such agency has complied with the provisions of this subsection during each fiscal year beginning after September 30, 1987. Such certification shall be submitted on an annual basis to the House of Representatives and the Senate pursuant to the schedule required under the Congressional Budget and Impoundment Control Act of 1974.

2 USC 621 note. State and local governments.

(5) Nothing contained in this subsection shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person or any

obligation imposed by any law of any State, or political subdivision of a State. No provision of this subsection shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This subsection shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

(f) TRANSFER OF PUBLIC LANDS.—Subject to valid existing rights, all public lands within the scenic area administered by the Secretary of the Interior through the Bureau of Land Management are hereby transferred without consideration to the jurisdiction of the Secretary to be managed as National Forest lands in accordance with the provisions of this Act.

16 USC 544m.

SEC. 15. ENFORCEMENT.

(a) ADMINISTRATIVE REMEDIES.—

(1) COMMISSION ORDERS.—The Commission shall monitor activities of counties pursuant to this Act and shall take such actions as it determines are necessary to ensure compliance.

(2) APPEAL TO THE COMMISSION.—Any person or entity adversely affected by any final action or order of a county relating to the implementation of this Act may appeal such action or order to the Commission by filing with the Commission within thirty days of such action or order, a written petition requesting that such action or order be modified, terminated, or set aside.

(3) CIVIL PENALTIES.—Any person or entity who willfully violates the management plan or any land use ordinance or any implementation measure or any order issued by the Commission pursuant to this Act may be assessed a civil penalty by the Commission not to exceed $10,000 for each violation. No penalty may be assessed under this subsection unless such person or entity is given notice and opportunity for a public hearing with respect to such violation. The Commission may compromise, modify, or remit, with or without conditions, any penalty imposed under this subsection, taking into consideration the nature and seriousness of the violation and the efforts of the violator to remedy the violation in a timely manner.

(b) JUDICIAL REMEDIES.—

(1) CIVIL ACTIONS TO ENFORCE ACT.—(A) Except as otherwise limited by this Act, the Attorney General of the United States may, at the request of the Secretary, institute a civil action for an injunction or other appropriate order to prevent any person or entity from utilizing lands within the special management areas in violation of the provisions of this Act, interim guideline adopted or other action taken by the Secretary pursuant to this Act.

(B) The Commission, or, at the request of the Commission, or the attorney general of Oregon or Washington, may institute a civil action for an injunction or other appropriate order to prevent any person or entity from utilizing lands within the scenic area outside urban areas in violation of the provisions of this Act, the management plan, or any land use ordinance or interim guideline adopted or other action taken by the Commission or any county pursuant to this Act.

(2) CITIZENS SUITS.—Any person or entity adversely affected may commence a civil action to compel compliance with this Act—

(A) against the Secretary, the Commission or any county where there is alleged a violation of the provisions of this Act, the management plan or any land use ordinance or interim guideline adopted or other action taken by the Secretary, the Commission, or any county pursuant to or Commission under this Act; or

(B) against the Secretary, the Commission, or any county where there is alleged a failure of the Secretary, the Commission or any county to perform any act or duty under this Act which is not discretionary with the Secretary, the Commission or any county.

(3) LIMITATION ON BRINGING OF CITIZENS SUITS.—No action may be commenced—

(A) under paragraph (2)(A) of this subsection—

(i) prior to sixty days after the plaintiff has given notice in writing of the alleged violation to the Secretary, to the Commission, and to the county in which the violation is alleged to have occurred; or

(ii) if the Attorney General of the United States, or the attorney general of Oregon or Washington, has commenced and is diligently prosecuting a civil action on the same matter pursuant to paragraph (1) of this subsection to require compliance with the management plan or any regulations, guidelines, or standards issued or other actions taken by the Secretary, the Commission, or any county pursuant to this Act: *Provided*, That in any such action any person or entity otherwise entitled to bring an action pursuant to paragraph (2) of this subsection may intervene as a matter of right; or

(iii) which challenges the consistency of the draft management plan with the purposes and standards of this Act or with other applicable law prior to the certification or adoption of the Management Plan pursuant to section 6 of this Act; or

(B) under paragraph (2)(B) of this subsection prior to sixty days after the plaintiff has given notice in writing of such action to the Secretary, the Commission, and to the county in which the failure to perform any act or duty pursuant to this Act is alleged: *Provided*, That such action may be brought immediately after such notification where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.

(4) JUDICIAL REVIEW.—Any person or entity adversely affected by—

(A) any final action or order of a county, the Commission, or the Secretary relating to the implementation of this Act;

(B) any land use ordinance or interim guideline adopted pursuant to this Act;

(C) any appeal to the Commission pursuant to this section;

(D) any civil penalty assessed by the Commission pursuant to paragraph (a)(3) of this subsection may appeal such action or order by filing in any of the courts specified in paragraph (5) of this subsection, within sixty days after the date of service of such order or within sixty days after such action is taken, a written petition requesting such action, order, land use ordinance, interim guideline, or appeal taken to the Commission be modified, terminated, or set aside.

(5) FEDERAL COURT JURISDICTION.—The United States district courts located in the States of Oregon and Washington shall have jurisdiction over—

(A) any criminal penalty imposed pursuant to 16 U.S.C. 551, or any other applicable law for violation of any order, regulation or other action taken by the Secretary pursuant to this Act;

(B) any civil action brought against the Secretary pursuant to this section; or

(C) any appeal of any order, regulation, or other action of the Secretary taken pursuant to paragraph (4) of this subsection.

(6) STATE COURT JURISDICTION.—The State courts of the States of Oregon and Washington shall have jurisdiction—

100 STAT. 4300

(A) to review any appeals taken to the Commission pursuant to subsection (a)(2) of this section;

(B) over any civil action brought by the Commission pursuant to subsection (b)(1) of this section or against the Commission, a State, or a county pursuant to subsection (b)(2) of this section;

(C) over any appeal of any order, regulation, or other action of the Commission or a county taken pursuant to paragraph 4 of this subsection; or

(D) any civil penalties assessed by the Commission pursuant to subsection (a)(3) of this section.

16 USC 544n.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated for fiscal years after the fiscal year 1986 such sums as are described below;

(1) For the purpose of acquisition of lands, water and interests therein pursuant to this Act: $40,000,000: *Provided,* That of this amount no more than $10,000,000 shall be available to acquire lands, water, and interests therein pursuant to section 10. Such amounts are authorized to be appropriated from amounts covered into the Land and Water Conservation Fund notwithstanding any allocation, apportionment, or limitation contained in the Land and Water Conservation Fund (16 U.S.C. 4601-4 and following).

(2) For the purpose of providing payments to local governments pursuant to section 14(c): $2,000,000.

(b) There are authorized to be appropriated for fiscal years after the fiscal year 1986, effective upon concurrence on the management plan pursuant to section 6 of this Act:

(1) For the purpose of construction of an interpretive center to be located in the State of Oregon, and a conference center to be located in the State of Washington: $10,000,000.

(2) For the purpose of construction of recreation facilities pursuant to section 7(d): $10,000,000.

(3) For the purpose of preparing a program and restoring and reconstructing the Old Columbia River Scenic Highway, Oregon pursuant to section 12 of this Act: $2,800,000.

(4) For the purpose of providing economic development grants pursuant to section 11: $5,000,000 for each State: *Provided,* That funds authorized to be appropriated pursuant to this paragraph shall be available for the acquisition of lands and interests therein pursuant to section 10 if, at the expiration of three years, the States have failed to carry out their respective function pursuant to section 5 of this Act.

(c) AVAILABILITY OF FUNDS.—Funds appropriated under subsections (a)(2) and (b) shall not be made available for any county which does not have in effect a land use ordinance which has been found to be consistent by the Commission, and concurred on by the Secretary as consistent with the management plan pursuant to section 8 of this Act.

SEC. 17. SAVINGS PROVISIONS.

Indians.
16 USC 544*o*.

(a) Nothing in this Act shall—

(1) affect or modify any treaty or other rights of any Indian tribe;

State and local governments.

(2) except as provided in section 13(c), authorize the appropriation or use of water by any Federal, State, or local agency. Indian tribe, or any other entity or individual;

100 STAT. 4301

(3) except as provided in section 13(c), affect the rights or jurisdictions of the United States, the States, Indian tribes or other entities over waters of any river or stream or over any ground water resource or affect or interfere with transportation activities on any such river or stream;

(4) except as provided in section 13(c), alter, establish, or affect the respective rights of the United States, the States, Indian tribes, or any person with respect to any water or water-related right;

Compacts between States.

(5) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States before the enactment of this Act;

(6) affect or modify the ability of the Bonneville Power Administration to operate, maintain, and modify existing transmission facilities;

(7) affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes;

Fish and fishing.

(8) affect the laws, rules and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties;

(9) require any revision or amendment of any forest plan adopted pursuant to the National Forest Management Act of 1976 (Act of October 22, 1976, Public Law 94-588, as amended (16 U.S.C. 1600 et seq.)); or

(10) establish protective perimeters or buffer zones around the scenic area or each special management area. The fact that activities or uses inconsistent with the management directives for the scenic area or special management areas can be seen or heard from these areas shall not, of itself, preclude such activities or uses up to the boundaries of the scenic area or special management areas.

Armed Forces.

(b) Except for the offsite disposal of excavation material, nothing in this Act shall be construed to affect or modify the responsibility of the United States Army Corps of Engineers to improve navigation facilities at Bonneville Dam pursuant to Federal law.

Forests and forest products.

(c) Except for the management, utilization, or disposal of timber resources of non-Federal lands within the special management areas, nothing in this Act shall affect the rights and responsibilities of non-Federal timber land owners under the Oregon and Washington Forest Practices Acts or any county regulations which under applicable State law supersede such Acts.

(d) Mandatory language in this Act respecting the powers and responsibilities of the Commission shall be interpreted as conditions precedent to congressional consent to the interstate compact described in section 5 of this Act.

(e) In the event that the States of Washington and Oregon fail to comply with the provisions of section 5 of this Act, the Secretary shall not be obligated to take actions which are predicated upon the establishment of the Commission.

(f)(1) Actions by the Secretary pursuant to subsections (f), (g), and (h) of section 6; subsections (f), (j), (k), and (l) of section 8; section 9; and subsections (a) and (b)(2) of section 10 shall neither be considered major Federal actions significantly affecting the quality of the environment under section 102 of the National Environmental Policy Act (42 U.S.C. 4332) nor require the preparation of an environmental assessment in accordance with that Act.

100 STAT. 4302

(2) Except as provided in paragraph (1) of this subsection, nothing in this Act shall expand, restrict, or otherwise alter the duties of the Secretary under the National Environmental Policy Act.

SEC. 18. SEVERABILITY.

16 USC 544p.

(a) If any provision of this Act or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of this Act, nor the application of any provisions herein to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

Approved November 17, 1986.

LEGISLATIVE HISTORY—H.R. 5705 (S. 2055):

CONGRESSIONAL RECORD, Vol. 132 (1986):
Oct. 16, considered and passed House.
Oct. 17, considered and passed Senate.

FOREIGN OPERATIONS ACTS

Public Law 99–247
99th Congress

An Act

To amend the Arms Export Control Act to require that congressional vetoes of certain arms export proposals be enacted into law.

Feb. 12, 1986
[S. 1831]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(d)(2) of the Arms Export Control Act is amended— 22 USC 2753.

(1) in subparagraph (A), by striking out "adopt, within such 30-day period, a concurrent resolution disapproving" and inserting in lieu thereof "enact, within such 30-day period, a law prohibiting"; and

(2) in subparagraph (B), by striking out "adopt, within such fifteen-day period, a concurrent resolution disapproving" and inserting in lieu thereof "enact, within such fifteen-day period, a law prohibiting".

(b) Section 36(b) of the Arms Export Control Act is amended— 22 USC 2776.

(1) in the fifth sentence of paragraph (1), by striking out "adopts a concurrent resolution stating that it objects to" and inserting in lieu thereof "enacts a joint resolution prohibiting";

(2) in paragraph (2), by inserting "joint" before "resolution" each of the four places it appears; and

(3) in paragraph (3)—

(A) by striking out "adoption of concurrent resolutions" and inserting in lieu thereof "enactment of joint resolutions"; and

(B) by striking out "such resolution" and inserting in lieu thereof "such joint resolution".

(c) Section 36(c) of the Arms Export Control Act is amended— 22 USC 2776.

(1) in paragraph (2)(B), by striking out "adopts a concurrent resolution stating that it objects to" and inserting in lieu thereof "enacts a joint resolution prohibiting";

(2) in paragraph (3)(A), by inserting "joint" before "resolution"; and

(3) in paragraph (3)(B)—

(A) by striking out "adoption of concurrent resolutions" and inserting in lieu thereof "enactment of joint resolutions"; and

(B) by striking out "such resolution" and inserting in lieu thereof "such joint resolution".

(d) Section 63 of the Arms Export Control Act is amended— 22 USC 2796b.

(1) in subsection (a)(1), by striking out "adopts a concurrent resolution stating that it objects to" and inserting in lieu thereof "enacts a joint resolution prohibiting";

(2) in subsection (b), by inserting "joint" before "resolution"; and

(3) in subsection (c)—

100 STAT. 10

(A) by striking out "adoption of concurrent resolutions" and inserting in lieu thereof "enactment of joint resolutions"; and

(B) by striking out "such resolution" and inserting in lieu thereof "such joint resolution".

Approved February 12, 1986.

LEGISLATIVE HISTORY—S. 1831:

CONGRESSIONAL RECORD:
Vol. 131 (1985): Dec. 19, considered and passed Senate.
Vol. 132 (1986): Feb. 3, considered and passed House.

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100 STAT. 853

Public Law 99-399
99th Congress

An Act

Aug. 27, 1986
[H.R. 4151]

To provide enhanced diplomatic security and combat international terrorism, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Omnibus Diplomatic Security and Antiterrorism Act of 1986.
22 USC 4801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Diplomatic Security and Antiterrorism Act of 1986".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DIPLOMATIC SECURITY

Sec. 101. Short title.
Sec. 102. Findings and purposes
Sec. 103. Responsibility of the Secretary of State.
Sec. 104. Bureau of Diplomatic Security.
Sec. 105. Responsibilities of the Assistant Secretary for Diplomatic Security.
Sec. 106. Cooperation of other Federal agencies.
Sec. 107. Protection of foreign consulates.

TITLE II—DIPLOMATIC SECURITY SERVICE

Sec. 201. Establishment of Diplomatic Security Service.
Sec. 202. Director of Diplomatic Security Service.
Sec. 203. Positions in the Diplomatic Security Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

Sec. 301. Accountability review.
Sec. 302. Accountability Review Board.
Sec. 303. Procedures.
Sec. 304. Findings and recommendations by a Board.
Sec. 305. Relation to other proceedings.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

Sec. 401. Authorization.
Sec. 402. Diplomatic construction program.
Sec. 403. Security requirements for contractors.
Sec. 404. Qualifications of persons hired for the diplomatic construction program.
Sec. 405. Cost overruns.
Sec. 406. Efficiency in contracting.
Sec. 407. Advisory Panel on Overseas Security.
Sec. 408. Training to improve perimeter security at United States diplomatic missions abroad.
Sec. 409. Protection of public entrances of United States diplomatic missions abroad.
Sec. 410. Certain protective functions.
Sec. 411. Reimbursement of the Department of the Treasury.
Sec. 412. Inspector General for the United States Information Agency.
Sec. 413. Inspector General for the Department of State.
Sec. 414. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.

100 STAT. 854

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

Sec. 501. Rewards for international terrorists.
Sec. 502. Rewards for information relating to international narcoterrorism and drug trafficking.
Sec. 503. Coordination of terrorism-related assistance.
Sec. 504. Counterterrorism Protection Fund.
Sec. 505. Terrorism-related travel advisories.
Sec. 506. Authority to control certain terrorism-related services.
Sec. 507. Management of antiterrorism assistance programs.
Sec. 508. Nonlethal airport security equipment and commodities for Egypt.
Sec. 509. Exports to countries supporting acts of international terrorism.

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

Sec. 601. Actions to combat international nuclear terrorism.
Sec. 602. Authority to suspend nuclear cooperation with nations which have not ratified the Convention on the Physical Protection of Nuclear Material.
Sec. 603. Consultation with the Department of Defense concerning certain nuclear exports and subsequent arrangements.
Sec. 604. Review of physical security standards.
Sec. 605. International review of the nuclear terrorism problem.
Sec. 606. Criminal history record checks.

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

Sec. 701. International Antiterrorism Committee.
Sec. 702. International arrangements relating to passports and visas.
Sec. 703. Protection of Americans endangered by the appearance of their place of birth on their passports.
Sec. 704. Use of diplomatic privileges and immunities for terrorism purposes.
Sec. 705. Reports on progress in increasing multilateral cooperation.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

Sec. 801. Short title.
Sec. 802. Payment to individuals held in captive status between November 4, 1979, and January 21, 1981.
Sec. 803. Benefits for captives and other victims of hostile action.
Sec. 804. Retention of leave by alien employees following injury from hostile action abroad.
Sec. 805. Transition provisions.
Sec. 806. Benefits for members of uniformed services who are victims of hostile action.
Sec. 807. Regulations.
Sec. 808. Effective date of entitlements.

TITLE IX—MARITIME SECURITY

Sec. 901. Short title.
Sec. 902. International measures for seaport and shipboard security.
Sec. 903. Measures to prevent unlawful acts against passengers and crews on board ships.
Sec. 904. Panama Canal security.
Sec. 905. Threat of terrorism to United States ports and vessels.
Sec. 906. Port, harbor, and coastal facility security.
Sec. 907. Security standards at foreign ports.
Sec. 908. Travel advisories concerning security at foreign ports.
Sec. 909. Suspension of passenger services.
Sec. 910. Sanctions for the seizure of vessels by terrorists.
Sec. 911. Definitions.
Sec. 912. Authorization of appropriations.
Sec. 913. Reports.

TITLE X—FASCELL FELLOWSHIP PROGRAM

Sec. 1001. Short title.
Sec. 1002. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe.
Sec. 1003. Fellowship Board.
Sec. 1004. Fellowships.
Sec. 1005. Secretary of State.

100 STAT. 855

TITLE XI—SECURITY AT MILITARY BASES ABROAD

Sec. 1101. Findings.
Sec. 1102. Recommended actions by the Secretary of Defense.
Sec. 1103. Report to the Congress.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

Sec. 1201. Encouragement for negotiation of a convention.
Sec. 1202. Extraterritorial criminal jurisdiction over terrorist conduct.

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Peace Corps authorization of appropriations.
Sec. 1302. Demonstrations at embassies in the District of Columbia.
Sec. 1303. Kurt Waldheim's retirement allowance.
Sec. 1304. Eradication of Amblyomma Variegatum.
Sec. 1305. Strengthen foreign language skills.
Sec. 1306. Forfeiture of proceeds derived from espionage activities.
Sec. 1307. Expression of support of activities of the United States Telecommunications Training Institute.
Sec. 1308. Policy toward Afghanistan.

Diplomatic Security Act.

TITLE I—DIPLOMATIC SECURITY

22 USC 4801 note.

SEC. 101. SHORT TITLE.

Titles I through IV of this Act may be cited as the "Diplomatic Security Act".

22 USC 4801.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) PURPOSES.—The purposes of titles I through IV are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and to set forth certain provisions relating to the Diplomatic Security Service of the Department of State;

(3) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(4) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities; and

(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

22 USC 4802.

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

(a) SECURITY FUNCTIONS.—The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;

(2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

(3) establishment and operation of security functions at all Department of State facilities in the United States; and

(4) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

(b) Oversight of Posts Abroad.—The Secretary of State shall—

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander); and

(2) establish appropriate overseas staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander).

(c) Federal Agency.—As used in this title and title III, the term "Federal agency" includes any department or agency of the United States Government.

SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

22 USC 4803.

(a) The Bureau.—There shall be a Bureau of Diplomatic Security in the Department of State, to be headed by the Assistant Secretary for Diplomatic Security. The Assistant Secretary shall be responsible for such functions as may be directed by the Secretary of State.

(b) Number of Assistant Secretaries.—The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "fourteen" and inserting in lieu thereof "fifteen".

(c) Positions at Level IV of the Executive Schedule.—Section 5315 of title 5, United States Code, is amended by striking out "(14)" following "Assistant Secretaries of State" and inserting in lieu thereof "(15)".

SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.

22 USC 4804.

Within the authority of the Secretary of State, the Assistant Secretary for Diplomatic Security should be responsible for the following:

100 STAT. 857

(1) Former office of security functions.—Functions and responsibilities exercised by the Office of Security, Department of State, before November 11, 1985.

(2) Security and protective operations abroad.—

(A) Establishment and operation of post security and protective functions abroad.

(B) Development and implementation of communications, computer, and information security.

(C) Emergency planning.

(D) Establishment and operation of local guard services.

(E) Supervision of the United States Marine Corps security guard program.

(F) Liaison with American overseas private sector security interests.

(3) Security and protective operations in the United States.—

(A) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel, as authorized by law.

(B) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

(C) Physical protection of Department of State facilities, communications, and computer and information systems.

(D) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

(E) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a) of the State Department Basic Authorities Act of 1956. 22 USC 2708.

(F) Performance of other security, investigative, and protective matters as authorized by law.

(4) COUNTERTERRORISM PLANNING AND COORDINATION.—Development and coordination of counterterrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

(5) SECURITY TECHNOLOGY.—Development and implementation of technical and physical security programs, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

(6) DIPLOMATIC COURIER SERVICE.—Management of the diplomatic courier service.

(7) PERSONNEL TRAINING.—Development of facilities, methods, and materials to develop and upgrade necessary skills in order to carry out this section.

(8) FOREIGN GOVERNMENT TRAINING.—Management and development of antiterrorism assistance programs to assist foreign government security training which are administered by the Department of State under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

22 USC 4805.

SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

(a) ASSISTANCE.—In order to facilitate fulfillment of the responsibilities described in section 103(a), other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 103(a). The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

100 STAT. 858

(b) OTHER AGENCIES.—Nothing contained in titles I through IV shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333. 3 CFR, 1981 Comp., p. 200.

(c) CERTAIN LEASE ARRANGEMENTS.—The Administrator of General Services is authorized to lease (to such extent or in such amounts as are provided in appropriation Acts) such amount of space in the United States as may be necessary for the Department of State to accommodate the personnel required to carry out this title. The Department of State shall pay for such space at the rate established by the Administrator of General Services for space and related services.

22 USC 4806.

SEC. 107. PROTECTION OF FOREIGN CONSULATES.

The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security in making determinations with respect to accreditation of all foreign consular personnel in the United States.

TITLE II—DIPLOMATIC SECURITY SERVICE

22 USC 4821.

SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.

SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

22 USC 4822.

The Diplomatic Security Service shall be headed by a Director designated by the Secretary of State. The Director should be a career member of the Senior Foreign Service or the Senior Executive Service and shall be qualified for the position by virtue of demonstrated ability in the areas of security, law enforcement, management, and public administration. Experience in management or operations abroad shall be considered an affirmative factor in the selection of the Director. The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.

SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

Women.
Minorities.
22 USC 4823.

Ante, p. 609.

Positions in the Diplomatic Security Service shall be filled in accordance with the provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5, United States Code. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. In the case of positions designated for special agents, the qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise investigatory, warrant, arrest, and such other authorities as are available by law to special agents of the Department of State and the Foreign Service.

100 STAT. 859

TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301. ACCOUNTABILITY REVIEW.

Health and medical care.
Real property.
Gifts and property.
22 USC 4831.

In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (hereafter in this title referred to as the "Board"). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

SEC. 302. ACCOUNTABILITY REVIEW BOARD.

22 USC 4832.

(a) MEMBERSHIP.—A Board shall consist of five members, 4 appointed by the Secretary of State, and 1 appointed by the Director of Central Intelligence. The Secretary of State shall designate the Chairperson of the Board. Members of the Board who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level GS–18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board. Members of the Board who are Federal officers or employees shall receive no additional pay by reason of such membership.

5 USC 5332.

(b) FACILITIES, SERVICES, SUPPLIES, AND STAFF.—

(1) SUPPLIED BY DEPARTMENT OF STATE.—A Board shall obtain facilities, services, and supplies through the Department of State. All expenses of the Board, including necessary costs of travel, shall be paid by the Department of State. Travel expenses authorized under this paragraph shall be paid in accordance with subchapter I of chapter 57 of title 5, United States Code, or other applicable law.

5 USC 5701.

(2) DETAIL.—At the request of a Board, employees of the Department of State or other Federal agencies, members of the Foreign Service, or members of the uniformed services may be temporarily assigned, with or without reimbursement, to assist the Board.

(3) EXPERTS AND CONSULTANTS.—A Board may employ and compensate (in accordance with section 3109 of title 5, United States Code) such experts and consultants as the Board consid-

ers necessary to carry out its functions. Experts and consultants so employed shall be responsible solely to the Board.

22 USC 4833.

SEC. 303. PROCEDURES.

(a) EVIDENCE.—

(1) UNITED STATES GOVERNMENT PERSONNEL AND CONTRACTORS.—

100 STAT. 860

(A) With respect to any individual described in subparagraph (B), a Board may—

(i) administer oaths and affirmations;

(ii) require that depositions be given and interrogatories answered; and

(iii) require the attendance and presentation of testimony and evidence by such individual.

Law enforcement and crime.

Failure of any such individual to comply with a request of the Board shall be grounds for disciplinary action by the head of the Federal agency in which such individual is employed or serves, or in the case of a contractor, debarment.

(B) The individuals referred to in subparagraph (A) are—

(i) employees as defined by section 2105 of title 5, United States Code (including members of the Foreign Service);

(ii) members of the uniformed services as defined by section 101(3) of title 37, United States Code;

(iii) employees of instrumentalities of the United States; and

(iv) individuals employed by any person or entity under contract with agencies or instrumentalities of the United States Government to provide services, equipment, or personnel.

(2) OTHER PERSONS.—With respect to a person who is not described in paragraph (1)(B), a Board may administer oaths and affirmations and require that depositions be given and interrogatories answered.

(3) SUBPOENAS.—(A) The Board may issue a subpoena for the attendance and testimony of any person (other than a person described in clause (i), (ii), or (iii) of paragraph (1)(B)) and the production of documentary or other evidence from any such person if the Board finds that such a subpoena is necessary in the interests of justice for the development of relevant evidence.

Courts, U.S.

(B) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, a court of the United States within the jurisdiction of which a person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, may upon application of the Attorney General, issue to such person an order requiring such person to appear before the Board to give testimony or produce information as required by the subpoena.

(C) Subpoenaed witnesses shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.

(b) CONFIDENTIALITY.—A Board shall adopt for administrative proceedings under this title such procedures with respect to confidentiality as may be deemed necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of Central Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel, including standards for secure storage.

(c) RECORDS.—Records pertaining to administrative proceedings under this title shall be separated from all other records of the Department of State and shall be maintained under appropriate safeguards to preserve confidentiality and classification of information. Such records shall be prohibited from disclosure to the public until such time as a Board completes its work and is dismissed. The

100 STAT. 861

Department of State shall turn over to the Director of Central Intelligence intelligence information and information relating to intelligence personnel which shall then become records of the Central Intelligence Agency. After that time, only such exemptions from disclosure under section 552(b) of title 5, United States Code (relating to freedom of information), as apply to other records of the Department of State, and to any information transmitted under section 304(c) to the head of a Federal agency or instrumentality, shall be available for the remaining records of the Board.

(d) STATUS OF BOARDS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section 552b of title 5 of the United States Code (relating to open meetings) shall not apply to any Board.

SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

Health and medical care.
Real property.
Gifts and property.
22 USC 4834.

(a) FINDINGS.—A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad and shall make written findings determining—

(1) the extent to which the incident or incidents with respect to which the Board was convened was security related;

(2) whether the security systems and security procedures at that mission were adequate;

(3) whether the security systems and security procedures were properly implemented;

(4) the impact of intelligence and information availability; and

(5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

(b) PROGRAM RECOMMENDATIONS.—A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of State, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

Law enforcement and crime.

(c) PERSONNEL RECOMMENDATIONS.—Whenever a Board finds reasonable cause to believe that an individual described in section 303(a)(1)(B) has breached the duty of that individual, the Board shall—

(1) notify the individual concerned,

(2) transmit the finding of reasonable cause, together with all information relevant to such finding, to the head of the appropriate Federal agency or instrumentality, and

(3) recommend that such agency or instrumentality initiate an appropriate investigatory or disciplinary action.

In determining whether an individual has breached a duty of that individual, the Board shall take into account any standard of conduct, law, rule, regulation, contract, or order which is pertinent to the performance of the duties of that individual.

(d) REPORTS.—

(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations to the Secretary of State under subsection (b), the Secretary shall, not later than 90 days after the receipt of such recommendations, submit a report to the Congress on each such recommendation and the action taken with respect to that recommendation.

100 STAT. 862

(2) PERSONNEL RECOMMENDATIONS.—In any case in which a Board transmits a finding of reasonable cause under subsection (c), the head of the Federal agency or instrumentality receiving the information shall review the evidence and recommendations and shall, not later than 30 days after the receipt of that finding, transmit to the Congress a report specifying—

(A) the nature of the case and a summary of the evidence transmitted by the Board; and

(B) the decision by the Federal agency or instrumentality to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

22 USC 4835.

SEC. 305. RELATION TO OTHER PROCEEDINGS.

Nothing in this title shall be construed to create administrative or judicial review remedies or rights of action not otherwise available by law, nor shall any provision of this title be construed to deprive any person of any right or legal defense which would otherwise be available to that person under any law, rule, or regulation.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

22 USC 4851.

SEC. 401. AUTHORIZATION.

(a) Diplomatic Security Program.—

(1) In general.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated for fiscal years 1986 and 1987, for the Department of State to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for the respective fiscal year for "Administration of Foreign Affairs", as follows:

(A) For "Salaries and Expenses", $308,104,000.

(B) For "Acquisition and Maintenance of Buildings Abroad", $857,806,000.

(C) For "Counterterrorism Research and Development", $15,000,000.

(2) Antiterrorism assistance.—Section 575 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-4) is amended by striking out "$9,840,000 for the fiscal year 1987" and inserting in lieu thereof "$14,680,000 for the fiscal year 1987".

(3) Capital construction, fiscal years 1988 through 1990.—There is authorized to be appropriated for the Department of State for "Acquisition and Maintenance of Buildings Abroad" for each of the fiscal years 1988 through 1990, $417,962,000 to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program.

(4) Allocation of amounts authorized to be appropriated.—Amounts authorized to be appropriated by this subsection, and by the amendment made by paragraph (2), shall be allocated as provided in the table entitled "Diplomatic Security Program" relating to this section which appears in the Joint Explanatory Statement of the Committee of Conference to accompany H.R. 4151 of the 99th Congress (the Omnibus Diplomatic Security and Antiterrorism Act of 1986).

(b) Notification to Authorizing Committees of Requests for Appropriations.—In any fiscal year, whenever the Secretary of State submits to the Congress a request for appropriations to carry out the program described in subsection (a), the Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such request, together with a justification of each item listed in such request.

(c) Reprogramming Treatment.—Amounts made available for capital projects pursuant to subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

(d) Prohibition on Reallocations of Authorizations.—Section 24(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2692(d)) shall not apply with respect to any amounts authorized to be appropriated under this section.

(e) Security Requirements of Other Foreign Affairs Agencies.—Based solely on security requirements and within the total amount of funds available for security, the Secretary of State shall ensure that an equitable level of funding is provided for the security requirements of other foreign affairs agencies.

Reports.

(f) INSUFFICIENCY OF FUNDS.—In the event that sufficient funds are not available in any fiscal year for all of the diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for such fiscal year, the Secretary of State shall report to the Congress the effect that the insufficiency of funds will have with respect to the Department of State and each of the other foreign affairs agencies.

(g) ALLOCATION OF FUNDS FOR CERTAIN SECURITY PROGRAMS.—Of the amount of funds authorized to be appropriated by subsection (a)(1)(A), $34,537,000 shall be available to the Secretary of State only for the protection of classified office equipment, the expansion of information systems security, and the hiring of American systems managers and operators for computers at high threat locations.

(h) FURNITURE, FURNISHINGS, AND EQUIPMENT.

(1) USE OF EXISTING FURNITURE, FURNISHINGS, AND EQUIPMENT.—If physically possible, facilities constructed or acquired pursuant to subsection (a) shall be furnished and equipped with the furniture, furnishings, and equipment that were being used in the facilities being replaced, rather than with newly acquired furniture, furnishings, and equipment.

(2) PROCEEDS FROM THE SALE OF FURNITURE, FURNISHINGS, AND EQUIPMENT.—Section 9 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (b), proceeds from the disposition of furniture, furnishings, and equipment from diplomatic and consular establishments in foreign countries shall be deposited into the Foreign Service Building Fund to be available for obligation or expenditure as directed by the Secretary.".

100 STAT. 864

(3) REPROGRAMMING TREATMENT.—Amounts made available for furniture, furnishings, and equipment pursuant to subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

22 USC 4852.

SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

22 USC 302.

(a) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may—

(1) bid on a diplomatic construction or design project which has an estimated total project value exceeding $5,000,000; and

(2) bid on a diplomatic construction or design project which involves physical or technical security.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any diplomatic construction or design project in a foreign country whose statutes prohibit the use of United States contractors on such projects. The exception contained in this subsection shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions he has taken to urge such foreign country to permit the use of United States contractors on such projects, and what actions he shall take with respect to that country as authorized by title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act").

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "adequate competition" means with respect to a construction or design project, the presence of two or more qualified bidders submitting responsive bids for that project;

(2) the term "United States person" means a person which—

(A) is incorporated or legally organized under the laws of the United States, including State, the District of Columbia, and local laws;

(B) has its principal place of business in the United States;

(C) has been incorporated or legally organized in the United States—

(i) for more than 5 years before the issuance date of the invitation for bids or request for proposals with respect to a construction project under subsection (a)(1); and

(ii) for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to a construction or design project which involves physical or technical security under subsection (a)(2);

(D) has performed within the United States administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid;

100 STAT. 865

(E) with respect to a construction project under subsection (a)(1), has achieved total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C)(i);

(F)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States,

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States, and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the foreign buildings office project site; and

(G) has the existing technical and financial resources in the United States to perform the contract; and

(3) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture.

(d) AMERICAN MINORITY CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

(e) AMERICAN SMALL BUSINESS CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American small business contractors.

(f) LIMITATION ON SUBCONTRACTING.—With respect to a diplomatic construction project, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

Regulations.
22 USC 4853.

SEC. 403. SECURITY REQUIREMENTS FOR CONTRACTORS.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall issue regulations to—

(1) strengthen the security procedures applicable to contractors and subcontractors involved in any way with any diplomatic construction or design project; and

(2) permit a contractor or subcontractor to have access to any design or blueprint relating to such a project only in accordance with those procedures.

Women.
Minorities.
22 USC 4854.

SEC. 404. QUALIFICATIONS OF PERSONS HIRED FOR THE DIPLOMATIC CONSTRUCTION PROGRAM.

In carrying out the diplomatic construction program referred to in section 401(a), the Secretary of State shall employ as professional staff (by appointment, contract, or otherwise) only those persons with a demonstrated specialized background in the fields of construction, construction law, or contract management. In filling such positions, the Secretary shall actively recruit women and members of minority groups.

SEC. 405. COST OVERRUNS.

22 USC 4855.

Any amount required to complete any capital project described in the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for the respective fiscal year, which is in excess of the amount made available for that project pursuant to section 401(a) (1) or (3) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 406. EFFICIENCY IN CONTRACTING.

22 USC 4856.

(a) BONUSES AND PENALTIES.—The Director of the Office of Foreign Buildings shall provide for a contract system of bonuses and penalties for the diplomatic construction program funded pursuant to the authorizations of appropriations provided in this title. Not later than 3 months after the date of enactment of this Act, the Director shall submit a report to the Congress on the implementation of this section.

Reports.

(b) SURETY BONDS AND GUARANTEES.—The Director of the Office of Foreign Buildings shall require each person awarded a contract for work under the diplomatic construction program to post a surety bond or guarantee, in such amount as the Director may determine, to assure performance under such contract.

(c) DISQUALIFICATION OF CONTRACTORS.—No person doing business with Libya may be eligible for any contract awarded pursuant to this Act.

Libya.

SEC. 407. ADVISORY PANEL ON OVERSEAS SECURITY.

Reports.
22 USC 4857.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on the implementation of the 91 recommendations contained in the final report of the Advisory Panel on Overseas Security. If any such recommendation has been rejected, the Secretary shall provide the reasons why that recommendation was rejected.

SEC. 408. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED STATES DIPLOMATIC MISSIONS ABROAD.

22 USC 4858.

(a) TRAINING.—It is the sense of Congress that the President should use the authority under chapter 8 of title II of the Foreign Assistance Act of 1961 (relating to antiterrorism assistance) to improve perimeter security of United States diplomatic missions abroad.

22 USC 2349aa.

(b) REPORTS.—Not later than October 1 of each year, the President shall submit a report to the Congress on the progress and problems of improving perimeter security of United States diplomatic missions abroad.

President of U.S.

SEC. 409. PROTECTION OF PUBLIC ENTRANCES OF UNITED STATES DIPLOMATIC MISSIONS ABROAD.

22 USC 4859.

The Secretary of State shall install and maintain a walk-through metal detector or other advanced screening system at public entrances of each United States diplomatic mission abroad.

SEC. 410. CERTAIN PROTECTIVE FUNCTIONS.

Section 208(a) of title 3, United States Code, is amended by adding at the end thereof the following: "In carrying out any duty under section 202(7), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.".

22 USC 4301.

22 USC 4860.

100 STAT. 867

SEC. 411. REIMBURSEMENT OF THE DEPARTMENT OF THE TREASURY.

The Secretary of State shall reimburse the appropriate appropriations account of the Department of the Treasury out of funds appropriated pursuant to section 401(a)(1) for the actual costs incurred by the United States Secret Service, as agreed to by the Secretary of the Treasury, for providing protection for the spouses of foreign heads of state during fiscal years 1986 and 1987.

SEC. 412. INSPECTOR GENERAL FOR THE UNITED STATES INFORMATION AGENCY.

(a) ESTABLISHMENT.—

(1) APPOINTMENT AND REMOVAL.—Section 2(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the United States Information Agency," immediately before "the Veterans' Administration".

(2) DEFINITIONS.—Section 11 of such Act (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "or the Director of the United States Information Agency" immediately before "as the case may be"; and

(B) in paragraph (2) by inserting "the United States Information Agency" immediately before "or the Veterans' Administration".

(b) EARMARK.—Of the funds authorized to be appropriated to the United States Information Agency for the fiscal year 1987, not less than $3,000,000 shall be available only for the operation of the office of the Inspector General established by the amendment made by subsection (a).

(c) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Inspector General, United States Information Agency.".

SEC. 413. INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE.

22 USC 4861.

(a) INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.—

(1) DIRECTION TO ESTABLISH.—The Congress directs the Secretary of State to proceed immediately to establish an Office of Inspector General of the Department of State not later than October 1, 1986. Not later than January 31, 1987, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress in establishing that office. Such report shall include an accounting of the obligation of funds for fiscal year 1987 for that office.

Reports.

(2) DUTIES AND RESPONSIBILITIES.—The Inspector General of the Department of State (as established by the amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is authorized to perform all duties and responsibilities, and to exercise the authorities, stated in section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) and in the Inspector General Act of 1978.

99 Stat. 427.

5 USC app.

(3) EARMARK.—Of the amounts made available for fiscal year 1987 for salaries and expenses under the heading "Administration of Foreign Affairs", not less than $6,500,000 shall be used for the sole purpose of establishing and maintaining the Office of Inspector General of the Department of State.

100 STAT. 868

(4) LIMITATION ON APPOINTMENT.—No career member of the Foreign Service, as defined by section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903), may be appointed Inspector General of the Department of State.

Ante, p. 867.

(5) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code (as amended by section 412), is amended by adding at the end thereof the following:

"Inspector General, Department of State.".

(6) CONFORMING AMENDMENT.—The last sentence of section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)) is hereby repealed.

(b) Office of Policy and Program Review.— 22 USC 4861.

(1) Establishment.—The Secretary of State shall establish an office to be known as the Office of Policy and Program Review (hereafter in this section referred to as the "Office").

(2) Director.—

(A) The Office shall be headed by a director, appointed by the Secretary of State, who shall report to and be under the general supervision of the Secretary of State. The director shall be appointed without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their knowledge and experience in the conduct of foreign affairs.

(B) The director shall review activities and operations performed under the direction, coordination, and supervision of chiefs of mission (provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission. This authority shall not preclude the Inspector General of the Department of State from carrying out any function of section 209(g) of the Foreign Service Act of 1980 (22 U.S.C. 3929(g)).

(3) Funding for the office.—Of the amounts authorized to be appropriated for "Administration of Foreign Affairs" for fiscal year 1987, not more than $4,000,000 shall be available for the purpose of establishing and maintaining the Office.

(4) Inspection by office of inspector general.—The Office shall be subject to inspection by the Inspector General of the Department of State.

(c) Abolishment of the Inspector General of the Department of State and the Foreign Service.—Section 150(b) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 3929a), is amended to read as follows:

"(b) Abolishment of the Inspector General of the Department of State and the Foreign Service.—Notwithstanding section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929), the Inspector General of the Department of State and the Foreign Service is hereby abolished.".

SEC. 414. PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

22 USC 4862.

None of the funds authorized to be appropriated by this Act may be obligated or expended for site acquisition, development, or construction of any facility in Israel, Jerusalem, or the West Bank.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

SEC. 501. REWARDS FOR INTERNATIONAL TERRORISTS.

22 USC 2708 note.

It is the sense of the Congress that the Secretary of State should more vigorously utilize the moneys available under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a); relating to rewards for information on international terrorism) to more effectively apprehend and prosecute international terrorists. It is further the sense of the Congress that the Secretary of State should consider widely publicizing the sizable rewards available under present law so that major international terrorist figures may be brought to justice.

SEC. 502. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING.

(a) Authority to Pay and Purpose.—Section 36 of State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) The Secretary of State, upon the request of a chief of mission and with the concurrence of the Attorney General, may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual would be a major violator of such laws; or

"(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States drug laws or the implementing of United States drug control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

"(iii) an attempt or conspiracy to do any of the acts described in clause (i) or (ii); or

"(B) the prevention or frustration of an act described in subparagraph (A).

100 STAT. 870

"(2) The purpose of the rewards under this subsection is to assist narcotics law enforcement in the effective arrest and prosecution of major narcotics traffickers and, wherever appropriate, to offer rewards in connection with the killing of, or the attempt to kill, any United States officer or employee, in connection with the performance of narcotics control duties by such officer or employee, or any member of the family of such officer or employee. To ensure that the rewards program authorized by this subsection, especially paragraph (1)(A)(i), does not duplicate or interfere with the payment of informants or the purchase of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this subsection, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered,

"(B) the publication of rewards,

"(C) offering of joint rewards with foreign governments,

"(D) the receipt and analysis of data,

"(E) the payment and the approval of payment, and

"(F) the recommendations of rewards by chiefs of mission to the Secretary of State and the Attorney General,

shall be governed by procedures approved by the Secretary of State and the Attorney General.".

Ante, p. 869.

Appropriation authorization.

(b) Funding for Rewards.—Section 36(g) of such Act, as so redesignated by subsection (a)(1), is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", up to $2,000,000 of which may be used for rewards for information described in subsection (b)(1). In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated $10,000,000 for fiscal year 1987 for 'Administration of Foreign Affairs' for use in paying rewards under this section, up to $5,000,000 of which may be used for rewards for information described in subsection (b)(1).".

(c) Conforming Amendments.—Section 36 of such Act is amended—

(1) in subsection (d), as so redesignated by subsection (a)(1), by striking out "this section" and inserting in lieu thereof "subsection (a)"; and

(2) in subsection (f), as so redesignated by subsection (a)(1), by inserting "or (b)" after "subsection (a)".

(d) REPORTS ON REWARDS; DEFINITIONS.—Section 36 of such Act is further amended by adding at the end thereof the following new subsections:

"(h) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the Congress with respect to that reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid, and shall discuss the significance of the information for which the reward was paid in dealing with those acts.

"(i) As used in this section—

"(1) the term 'United States drug laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(2) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.".

SEC. 503. COORDINATION OF TERRORISM-RELATED ASSISTANCE.

Section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-7) is amended—

(1) in the section heading by striking out "**ANTI-TERRORISM**" and inserting in lieu thereof "**TERRORISM-RELATED**";

(2) in subsection (a) by striking out "anti-terrorism assistance to foreign countries provided by the United States Government" and inserting in lieu thereof "assistance related to international terrorism which is provided by the United States Government to foreign countries";

(3) in subsection (b) by striking out "anti-terrorism assistance" and inserting in lieu thereof "assistance related to international terrorism which was"; and

(4) by adding at the end thereof the following new subsection:

"(c) RULE OF CONSTRUCTION.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.".

3 CFR, 1981 Comp., p. 200.

SEC. 504. COUNTERTERRORISM PROTECTION FUND.

The State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 39 as section 40; and

22 USC 2651 note.

(2) by inserting after section 38 (22 U.S.C. 2710) the following new section:

"SEC. 39. COUNTERTERRORISM PROTECTION FUND.

Informants. 22 USC 2711.

"(a) AUTHORITY.—The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State for 'Administration of Foreign Affairs' $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

"(c) DESIGNATION OF FUND.—Amounts made available under this section may be referred to as the 'Counterterrorism Protection Fund'.".

Public information. 22 USC 2656e.

SEC. 505. TERRORISM-RELATED TRAVEL ADVISORIES.

The Secretary of State shall promptly advise the Congress whenever the Department of State issues a travel advisory, or other public warning notice for United States citizens traveling abroad, because of a terrorist threat or other security concern.

SEC. 506. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

The State Department Basic Authorities Act of 1956 is amended—

Supra. 22 USC 2651 note.

(1) by redesignating section 40 (as so redesignated by section 504 of this Act) as section 41; and

(2) by inserting after section 39 (as added by section 504 of this Act) the following new section:

22 USC 2712.

"SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

"(a) AUTHORITY.—The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

"(b) SERVICES SUBJECT TO CONTROL.—The services subject to control under subsection (a) are the following:

"(1) Serving in or with the security forces of a designated foreign government.

"(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

"(c) PERSONS SUBJECT OF CONTROLS.—These services may be controlled under subsection (a) when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

"(d) LICENSES.—In carrying out subsection (a), the Secretary of State may require licenses, which may be revoked, suspended, or amended, without prior notice, whenever such action is deemed to be advisable.

"(e) DEFINITIONS.—

"(1) DESIGNATED FOREIGN GOVERNMENT.—As used in this section, the term 'designated foreign government' means a foreign government that the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.

50 USC app. 2405.

"(2) SECURITY FORCES.—As used in this section, the term 'security forces' means any military or paramilitary forces, any police or other law enforcement agency (including any police or other law enforcement agency at the regional or local level), and any intelligence agency of a foreign government.

"(3) UNITED STATES.—As used in this section, the term 'United States' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(4) UNITED STATES PERSON.—As used in this section, the term 'United States person' means any United States national, any permanent resident alien, and any sole proprietorship, partnership, company, association, or corporation organized under the laws of or having its principal place of business within the United States.

"(f) VIOLATIONS.—

"(1) PENALTIES.—Whoever willfully violates any regulation issued under this section shall be fined not more than $100,000 or five times the total compensation received for the conduct which constitutes the violation, whichever is greater, or imprisoned for not more than ten years, or both, for each such offense.

"(2) INVESTIGATIONS.—The Attorney General and the Secretary of the Treasury shall have authority to investigate violations of regulations issued under this section.

100 STAT. 873

"(g) CONGRESSIONAL OVERSIGHT.—

"(1) REVIEW OF REGULATIONS.—Not less than 30 days before issuing any regulations under this section (including any amendments thereto), the Secretary of State shall transmit the proposed regulations to the Congress.

"(2) REPORTS.—Not less than once every six months, the Secretary of State shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the Secretary may find to be relevant to the accomplishment of the objectives of this section.

"(h) RELATIONSHIP TO OTHER LAWS.—The authority granted by this section is in addition to the authorities granted by any other provision of law.".

SEC. 507. MANAGEMENT OF ANTITERRORISM ASSISTANCE PROGRAMS.

Weapons.

Section 573(d)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-2(d)(4)) is amended to read as follows:

"(4)(A) Articles on the United States Munitions List may be made available under this chapter only if—

"(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, articles in category IV(c) or VI(c) (relating to detection and handling of explosive devices), articles in category X (relating to protective personnel equipment), or articles in paragraph (b), (c), or (d) of category XIII (relating to speech privacy devices, underwater breathing apparatus and armor plating), and they are directly related to antiterrorism training under this chapter;

"(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part (relating to grant military assistance), chapter 5 of this part (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing); and

22 USC 2311.
22 USC 2347.
22 USC 2751 note.

"(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

President of U.S.
22 USC 2394-1.

"(B) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) in any fiscal year may not exceed 25 percent of the funds made available to carry out this chapter for that fiscal year.

"(C) No shock batons or similar devices may be provided under this chapter.".

SEC. 508. NONLETHAL AIRPORT SECURITY EQUIPMENT AND COMMODITIES FOR EGYPT.

In addition to funds otherwise available for such purposes under chapter 8 of part II of the Foreign Assistance Act of 1961, assistance authorized to carry out the purposes of chapter 4 of part II of such Act for the fiscal years 1986 and 1987 (as well as undisbursed balances of previously obligated funds under such chapter) which are allocated for Egypt may be furnished, notwithstanding section 660 of such Act, for the provision of nonlethal airport security equipment and commodities, and training in the use of such equipment and commodities. The authority contained in this section shall be exercised by the Department of State's office responsible for administering chapter 8 of part II of the Foreign Assistance Act of 1961, in coordination with the Agency for International Development.

22 USC 2349aa.
22 USC 2346.
22 USC 2420.
100 STAT. 874
22 USC 2349aa.

SEC. 509. EXPORTS TO COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

(a) ITEMS ON THE MUNITIONS LIST.—Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771–2779) is amended by adding at the end thereof the following new section:

22 USC 2780.

"SEC. 40. EXPORTS TO COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

"(a) PROHIBITION.—Except as provided in subsection (b), items on the United States Munitions List may not be exported to any country which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), has repeatedly provided support for acts of international terrorism.

President of U.S. Reports.

"(b) WAIVER.—The President may waive the prohibition contained in subsection (a) in the case of a particular export if the President determines that the export is important to the national interests of the United States and submits to the Congress a report justifying that determination and describing the proposed export. Any such waiver shall expire at the end of 90 days after it is granted unless the Congress enacts a law extending the waiver.".

(b) OTHER GOODS AND TECHNOLOGY.—Section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) is amended by striking out "$7,000,000" and inserting in lieu thereof "$1,000,000".

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

22 USC 3244.

SEC. 601. ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM.

(a) ACTIONS TO BE TAKEN BY THE PRESIDENT.—The Congress hereby directs the President—

(1) to seek universal adherence to the Convention on the Physical Protection of Nuclear Material;

(2) to—

(A) conduct a review, enlisting the participation of all relevant departments and agencies of the Government, to determine whether the recommendations on Physical Protection of Nuclear Material published by the International Atomic Energy Agency are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism, and

(B) transmit the results of this review to the Director-General of the International Atomic Energy Agency;

(3) to take, in concert with United States allies and other countries, such steps as may be necessary—

(A) to keep to a minimum the amount of weapons-grade nuclear material in international transit, and

(B) to ensure that when any such material is transported internationally, it is under the most effective means for adequately protecting it from acts or attempted acts of sabotage or theft by terrorist groups or nations; and

(4) to seek agreement in the United Nations Security Council to establish—

Sanctions.

(A) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism, and

(B) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

(b) REPORTS TO THE CONGRESS.—The President shall report to the Congress annually, in the reports required by section 601 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281), on the progress made during the preceding year in achieving the objectives described in this section.

SEC. 602. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL.

Chapter 11 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 132. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL SECURITY OF NUCLEAR MATERIAL.— 42 USC 2160b.

"The President may suspend nuclear cooperation under this Act with any nation or group of nations which has not ratified the Convention on the Physical Security of Nuclear Material.". President of U.S.

SEC. 603. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN NUCLEAR EXPORTS AND SUBSEQUENT ARRANGEMENTS.

Chapter 11 of the Atomic Energy Act of 1954, as amended by section 602 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 133. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN EXPORTS AND SUBSEQUENT ARRANGEMENTS.— 42 USC 2160c.

"a. In addition to other applicable requirements—

"(1) a license may be issued by the Nuclear Regulatory Commission under this Act for the export of special nuclear material described in subsection b.; and

"(2) approval may be granted by the Secretary of Energy under section 131 of this Act for the transfer of special nuclear material described in subsection b.; 42 USC 2160.

only after the Secretary of Defense has been consulted on whether the physical protection of that material during the export or transfer will be adequate to deter theft, sabotage, and other acts of international terrorism which would result in the diversion of that material. If, in the view of the Secretary of Defense based on all available intelligence information, the export or transfer might be subject to a genuine terrorist threat, the Secretary shall provide to the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, his written assessment of the risk and a description of the actions the Secretary of Defense considers necessary to upgrade physical protection measures.

"b. Subsection a. applies to the export or transfer of more than 2 kilograms of plutonium or more than 20 kilograms of uranium enriched to more than 20 percent in the isotope 233 or the isotope 235.".

SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

(a) REVIEWS.—The Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each review the adequacy of the physical security standards currently applicable with respect to the shipment and storage (outside the United States) of plutonium, and uranium enriched to more than 20 percent in the isotope 233 or the isotope 235, which is subject to United States prior consent rights, with special attention to protection against risks of seizure or other terrorist acts.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the results of the review conducted pursuant to this section, together with appropriate recommendations.

SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM PROBLEM.

The Congress strongly urges the President to seek a comprehensive review of the problem of nuclear terrorism by an international conference.

SEC. 606. CRIMINAL HISTORY RECORD CHECKS.

(a) In General.—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

42 USC 2169. "Sec. 149. Fingerprinting for Criminal History Record Checks.—

"a. The Nuclear Regulatory Commission (in this section referred to as the 'Commission') shall require each licensee or applicant for a license to operate a utilization facility under section 103 or 104 b. to fingerprint each individual who is permitted unescorted access to the facility or is permitted access to safeguards information under section 147. All fingerprints obtained by a licensee or applicant as required in the preceding sentence shall be submitted to the Attorney General of the United States through the Commission for identification and a criminal history records check. The costs of any identification and records check conducted pursuant to the preceding sentence shall be paid by the licensee or applicant. Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to the licensee or applicant submitting such fingerprints. 42 USC 2133, 2134. 42 USC 2168.

Health and medical care. Safety. "b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its obligations to promote the common defense and security and to protect the health and safety of the public.

Regulations. "c. For purposes of administering this section, the Commission shall prescribe, subject to public notice and comment, regulations—

"(1) to implement procedures for the taking of fingerprints; 100 STAT. 877

"(2) to establish the conditions for use of information received from the Attorney General, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely for the purpose of determining whether an individual shall be permitted unescorted access to the facility of a licensee or applicant or shall be permitted access to safeguards information under section 147; 42 USC 2168.

"(C) to ensure that no final determination may be made solely on the basis of information provided under this section involving—

"(i) an arrest more than 1 year old for which there is no information of the disposition of the case; or

"(ii) an arrest that resulted in dismissal of the charge or an acquittal; and

"(D) to protect individuals subject to fingerprinting under this section from misuse of the criminal history records; and

"(3) to provide each individual subject to fingerprinting under this section with the right to complete, correct, and explain information contained in the criminal history records prior to any final adverse determination.

"d. (1) The Commission may establish and collect fees to process fingerprints and criminal history records under this section.

"(2) Notwithstanding section 3302(b) of title 31, United States Code, and to the extent approved in appropriation Acts—

"(A) a portion of the amounts collected under this subsection in any fiscal year may be retained and used by the Commission to carry out this section; and

"(B) the remaining portion of the amounts collected under this subsection in such fiscal year may be transferred periodically to the Attorney General and used by the Attorney General to carry out this section.

"(3) Any amount made available for use under paragraph (2) shall remain available until expended.".

42 USC 2169 note.
Ante, p. 876.

(b) Effective Date.—The provisions of subsection a. of section 149 of the Atomic Energy Act of 1954, as added by this Act, shall take effect upon the promulgation of regulations by the Nuclear Regulatory Commission as set forth in subsection c. of such section. Such regulations shall be promulgated not later than 6 months after the date of the enactment of this Act.

(c) Conforming Amendment.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 148 the following new item:

"Sec. 149. Fingerprinting for criminal history record checks.".

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

SEC. 701. INTERNATIONAL ANTITERRORISM COMMITTEE.

(a) Findings.—The Congress finds that—

(1) international terrorism is and remains a serious threat to the peace and security of free, democratic nations;

(2) the challenge of terrorism can only be met effectively by concerted action on the part of all responsible nations;

100 STAT. 878

Bonn, Germany.

(3) the major developed democracies evidenced their commitment to cooperation in the fight against terrorism by the 1978 Bonn Economic Summit Declaration on Terrorism; and

Tokyo, Japan.

(4) that commitment was renewed and strengthened at the 1986 Tokyo Economic Summit and expressed in a joint statement on terrorism.

President of U.S.

(b) International Antiterrorism Committee.—The Congress hereby directs the President to continue to seek the establishment of an international committee, to be known as the International Antiterrorism Committee. As a first step in establishing such committee, the President should propose to the North Atlantic Treaty Organization the establishment of a standing political committee to examine all aspects of international terrorism, review opportunities for cooperation, and make recommendations to member nations. After the establishment of this committee, the President should invite such other countries who may choose to participate. The purpose of the International Antiterrorism Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism (including nuclear terrorism), by serving as a forum at both the political and law enforcement levels.

SEC. 702. INTERNATIONAL ARRANGEMENTS RELATING TO PASSPORTS AND VISAS.

The Congress strongly urges the President to seek the negotiation of international agreements (or other appropriate arrangements) to provide for the sharing of information relating to passports and visas in order to enhance cooperation among countries in combatting international terrorism.

SEC. 703. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

(a) Findings.—The Congress finds that some citizens of the United States may be specially endangered during a hijacking or other terrorist incident by the fact that their place of birth appears on their United States passport.

(b) Report.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the implications of deleting the place of birth as a required item of information on passports.

SEC. 704. USE OF DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR TERRORISM PURPOSES.

The Congress strongly urges the President to instruct the Permanent Representative of the United States to the United Nations to seek the adoption of a resolution in the United Nations condemning the use for terrorist purposes of diplomatic privileges and immunities under the Vienna Convention on Diplomatic Relations, especially the misuse of diplomatic pouches and diplomatic missions.

SEC. 705. REPORTS ON PROGRESS IN INCREASING MULTILATERAL COOPERATION.

President of U.S.

Not later than February 1, 1987, the President shall submit a report to the Congress on the steps taken to carry out each of the preceding sections of this title (except for section 703) and the progress being made in achieving the objectives described in those sections.

100 STAT. 879

Victims of Terrorism Compensation Act.
5 USC 5569 note.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Victims of Terrorism Compensation Act".

5 USC 5569 note.

SEC. 802. PAYMENT TO INDIVIDUALS HELD IN CAPTIVE STATUS BETWEEN NOVEMBER 4, 1979, AND JANUARY 21, 1981.

The amount of the payment for individuals in the Civil Service referred to in section 5569(d) of title 5, United States Code (as added by section 803 of this title), or for individuals in the uniformed services referred to in section 559(c) of title 37, United States Code (as added by section 806 of this title), as the case may be, shall be $50 for each day any such individual was held in captive status during a period commencing on or after November 4, 1979, and ending on or before January 21, 1981.

SEC. 803. BENEFITS FOR CAPTIVES AND OTHER VICTIMS OF HOSTILE ACTION.

(a) IN GENERAL.—Subchapter VII of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following:

5 USC 5569.

"§ 5569. Benefits for captives

"(a) For the purpose of this section—

"(1) 'captive' means any individual in a captive status commencing while such individual is—

"(A) in the Civil Service, or

"(B) a citizen, national, or resident alien of the United States rendering personal service to the United States similar to the service of an individual in the Civil Service (other than as a member of the uniformed services);

"(2) 'captive status' means a missing status which, as determined by the President, arises because of a hostile action and is a result of the individual's relationship with the Government;

"(3) 'missing status'—

"(A) in the case of an employee, has the meaning provided under section 5561(5) of this title; and

"(B) in the case of an individual other than an employee, has a similar meaning; and

"(4) 'family member', as used with respect to a person, means—

"(A) any dependent of such person; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of such person's family or household.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any captive to the extent that such pay and allowances are not subject to an allotment under section 5563 of this title or any other provision of law.

5 USC 5563.

"(2) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with 3-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

100 STAT. 880

"(3) Amounts in the savings fund credited to a captive shall be considered as pay and allowances for purposes of section 5563 of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

5 USC 5563.

"(4) Any interest accruing under this subsection on—

"(A) any amount for which an individual is indebted to the United States under section 5562(c) of this title shall be deemed to be part of the amount due under such section 5562(c); and

"(B) any amount referred to in section 5566(f) of this title shall be deemed to be part of such amount for purposes of such section 5566(f).

"(5) An allotment under this subsection may be made without regard to section 5563(c) of this title.

"(c) The head of an agency shall pay (by advancement or reimbursement) any individual who is a captive, and any family member of such individual, for medical and health care, and other expenses related to such care, to the extent that such care—

"(1) is incident to such individual being a captive; and

"(2) is not covered—

"(A) by any Government medical or health program; or

"(B) by insurance.

President of U.S.

"(d)(1) Except as provided in paragraph (3), the President shall make a cash payment, computed under paragraph (2), to any individual who became or becomes a captive commencing on or after November 4, 1979. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such individual terminates or, in the case of any individual whose status as a captive terminated before the date of the enactment of the Victims of Terrorism Compensation Act, before the end of the one-year period beginning on such date.

Ante, p. 879.

"(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of the payment under this subsection with respect to an individual held as a captive shall be not less than one-half of the amount of the world-wide average per diem rate under section 5702 of this title which was in effect for each day that individual was so held.

5 USC 5702.

President of U.S.

"(3) The President—

"(A) may defer a payment under this subsection in the case of any individual who, during the one-year period described in paragraph (1), is charged with an offense described in subparagraph (B), until final disposition of such charge; and

"(B) may deny such payment in the case of any individual who is convicted of an offense described in subsection (b) or (c) of section 8312 of this title committed—

"(i) during the period of captivity of such individual; and

"(ii) related to the captive status of such individual.

"(4) A payment under this subsection shall be in addition to any other amount provided by law.

"(5) The provisions of subchapter VIII of this chapter (or, in the case of any person not covered by such subchapter, similar provisions prescribed by the President) shall apply with respect to any amount due an individual under paragraph (1) after such individual's death.

5 USC 5581.

100 STAT. 881

Claims.

"(6) Any payment made under paragraph (1) which is later denied under paragraph (3)(B) is a claim of the United States Government for purposes of section 3711 of title 31.

"(e)(1) Under regulations prescribed by the President, the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940, including the benefits provided by section 701 of such Act but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 of such Act, shall be provided in the case of any individual who is a captive.

50 USC app. 501.
50 USC app. 591.
50 USC app. 514–516, 540–548, 561–572, 574.

"(2) In applying such Act under this subsection—

"(A) the term 'person in the military service' is deemed to include any such captive;

"(B) the term 'period of military service' is deemed to include the period during which the individual is in a captive status; and

"(C) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed, in the case of any captive, to be references to an individual designated for that purpose by the President.

Children and youth. Education.

"(f)(1)(A) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Except as provided in subparagraph (C), payments shall be available under this paragraph for a spouse or child of an individual who is a captive for education or training which occurs—

"(i) after that individual has been in captive status for 90 days or more, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date.

In order to respond to special circumstances, the appropriate agency head may specify a date for purposes of cessation of assistance under clause (ii) which is later than the date which would otherwise apply under such clause.

"(C) In the event a captive dies and the death is incident to that individual being a captive, payments shall be available under this paragraph for a spouse or child of such individual for education or training which occurs after the date of such individual's death.

"(D) The preceding provisions of this paragraph shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

38 USC 1700 *et seq.*

"(E) For the purpose of this paragraph, 'child' means a dependent under section 5561(3)(B) of this title.

5 USC 5561.

"(2)(A) In order to respond to special circumstances, the head of an agency may pay (by advancement or reimbursement) a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Payments shall be available under this paragraph for a captive for education or training which occurs—

"(i) after the termination of that individual's captive status, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date, and

shall be available only to the extent that such payments are not otherwise authorized by law.

"(3) Assistance under this subsection—

"(A) shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38; and

"(B) may not be provided for any individual for a period in excess of 45 months (or the equivalent thereof in other than full-time education or training).

Regulations.

"(4) Regulations prescribed to carry out this subsection shall provide that the program under this subsection shall be consistent with the assistance program under chapters 35 and 36 of title 38. 38 USC 1700 *et seq.*, 1770 *et seq.*

"(g) Any benefit provided under subsection (c) or (d) may, under regulations prescribed by the President, be provided to a family member of an individual if—

"(1) such family member is held in captive status; and

"(2) such individual is performing service for the United States as described in subsection (a)(1)(A) when the captive status of such family member commences.

"(h) Except as provided in subsection (d), this section applies with respect to any individual in a captive status commencing after January 21, 1981.

"(i) Notwithstanding any other provision of this subchapter, any determination by the President under subsection (a)(2) or (d) shall be conclusive and shall not be subject to judicial review.

President of U.S. Regulations.

"(j) The President may prescribe regulations necessary to administer this section.

"(k) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.

5 USC 5570.

"§ 5570. Compensation for disability or death

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) any individual in the Civil Service; and

"(B) any individual rendering personal service to the United States similar to the service of an individual in the Civil Service (other than as a member of the uniformed services); and

"(2) 'family member', as used with respect to an employee, means—

"(A) any dependent of such employee; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of the employee's family or household.

President of U.S. Regulations.

"(b) The President shall prescribe regulations under which an agency head may pay compensation for the disability or death of an employee or a family member of an employee if, as determined by the President, the disability or death was caused by hostile action and was a result of the individual's relationship with the Government.

"(c) Any compensation otherwise payable to an individual under this section in connection with any disability or death shall be reduced by any amounts payable to such individual under any other program funded in whole or in part by the United States (excluding any amount payable under section 5569(d) of this title) in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero. *Ante*, p. 879.

"(d) A determination by the President under subsection (b) shall be conclusive and shall not be subject to judicial review.

"(e) Compensation under this section may include payment (whether by advancement or reimbursement) for any medical or health expenses relating to the death or disability involved to the extent that such expenses are not covered under subsection (c) of section 5569 of this title (other than because of paragraph (2) of such subsection).

"(f) This section applies with respect to any disability or death resulting from an injury which occurs after January 21, 1981.

"(g) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5568 the following:

"5569. Benefits for captives.
"5570. Compensation for disability or death.".

SEC. 804. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOLLOWING INJURY FROM HOSTILE ACTION ABROAD.

Section 6325 of title 5, United States Code, is amended by adding at the end thereof the following: "The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.". 22 USC 3968.

5 USC 5569 note.

SEC. 805. TRANSITION PROVISIONS.

(a) Savings Fund.—(1) Amounts may be allotted to the savings fund under subsection (b) of section 5569 of title 5, United States Code (as added by section 803(a) of this Act) from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(2) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) Medical and Health Care; Educational Expenses.—Subsections (c) and (f) of such section 5569 (as so added) shall be carried out with respect to the period after January 21, 1981, and before the effective date of those subsections, under regulations prescribed by the President.

100 STAT. 884

(c) Definition.—For the purpose of this subsection, "pay and allowances" has the meaning provided under section 5561 of title 5, United States Code

37 USC 559.

SEC. 806. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES WHO ARE VICTIMS OF HOSTILE ACTION.

(a) Payments.—(1) Chapter 10 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 559. Benefits for members held as captives

"(a) In this section—

"(1) 'captive status' means a missing status of a member of the uniformed services which, as determined by the President, arises because of a hostile action and is a result of membership in the uniformed services, but does not include a period of captivity of a member as a prisoner of war if Congress provides to such member, in an Act enacted after the date of the enactment of the Victims of Terrorism Compensation Act, monetary payment in respect of such period of captivity; and *Ante*, p. 879.

"(2) 'former captive' means a person who, as a member of the uniformed services, was held in a captive status.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the Secretary concerned may allot all or any portion of the pay and allowances of any member of the uniformed services who is in a captive status to the extent that such pay and allowances are not subject to an allotment under section 553 of this title or any other provision of law. 10 USC 553.

"(2) Amounts so allotted shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be computed quarterly.

"(3) Amounts in the savings fund credited to a member shall be considered as pay and allowances for purposes of section 553(c) of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

"(4) Any interest accruing under this subsection on—

"(A) any amount for which a member is indebted to the United States under section 552(c) of this title shall be deemed to be part of the amount due under such section; and

"(B) any amount referred to in section 556(f) of this title shall be deemed to be part of such amount for purposes of such section.

"(5) An allotment under this subsection may be made without regard to section 553(c) of this title.

President of U.S.

"(c)(1) Except as provided in paragraph (3) of this subsection, the President shall make a cash payment to any person who is a former captive. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such person terminates.

Ante, p. 879.
Ante, p. 879.

"(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of such payment shall be determined by the President under the provisions of section 5569(d)(2) of title 5.

100 STAT. 885

"(3)(A) The President—

"(i) may defer such payment in the case of any former captive who during such one-year period is charged with an offense described in clause (ii) of this subparagraph, until final disposition of such charge; and

"(ii) may deny such payment in the case of any former captive who is convicted of a captivity-related offense—

"(I) referred to in subsection (b) or (c) of section 8312 of title 5; or

10 USC 801 *et seq.*

"(II) under chapter 47 of title 10 (the Uniform Code of Military Justice) that is punishable by dishonorable discharge, dismissal, or confinement for one year or more.

"(B) For the purposes of subparagraph (A) of this paragraph, a captivity-related offense is an offense that is—

"(i) committed by a person while the person is in a captive status; and

"(ii) related to the captive status of the person.

"(4) A payment under this subsection is in addition to any other amount provided by law.

"(5) Any amount due a person under this subsection shall, after the death of such person, be deemed to be pay and allowances for the purposes of this chapter.

Claims.

"(6) Any payment made under paragraph (1) of this subsection that is later denied under paragraph (3)(A)(ii) of this subsection is a claim of the United States Government for purposes of section 3711 of title 31.

"(d) A determination by the President under subsection (a)(1) or (c) of this section is final and is not subject to judicial review.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"559. Benefits for members held as captives.".

37 USC 559 note.

(3)(A)(i) Except as provided in clause (ii), section 559 of title 37, United States Code, as added by paragraph (1), shall apply to any person whose captive status begins after January 21, 1981.

(ii)(I) Subsection (c) of such section shall apply to any person whose captive status begins on or after November 4, 1979.

President of U.S.

(II) In the case of any person whose status as a captive terminated before the date of the enactment of this Act, the President shall make a payment under paragraph (1) of such subsection before the end of the one-year period beginning on such date.

(B) Amounts may be allotted to a savings fund established under such section from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(C) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) Disability and Death Benefits.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 1051.

"§ 1051. Disability and death compensation: dependents of members held as captives

President of U.S.
Regulations.

"(a) The President shall prescribe regulations under which the Secretary concerned may pay compensation for the disability or death of a dependent of a member of the uniformed services if the President determines that the disability or death—

"(1) was caused by hostile action; and

100 STAT. 886

"(2) was a result of the relationship of the dependent to the member of the uniformed services.

"(b) Any compensation otherwise payable to a person under this section in connection with any disability or death shall be reduced by any amount payable to such person under any other program funded in whole or in part by the United States in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

"(c) A determination by the President under subsection (a) is conclusive and is not subject to judicial review.

"(d) In this section:

"(1) 'Dependent' has the meaning given that term in section 551 of that title.

"(2) 'Secretary concerned' and 'uniformed services' have the meanings given those terms in section 101 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Disability and death compensation: dependents of members held as captives.".

10 USC 1051 note.

(3) Section 1051 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any disability or death resulting from an injury that occurs after January 21, 1981.

(c) Medical Benefits.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 1095.

"§ 1095. Medical care: members held as captives and their dependents

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) any person who is a former captive, and any dependent of that person or of a person who is in a captive status, for health care and other expenses related to such care, to the extent that such care—

"(1) is incident to the captive status; and

"(2) is not covered—

"(A) by any other Government medical or health program; or

"(B) by insurance.

10 USC 1074, 1076.

"(b) In the case of any person who is eligible for medical care under section 1074 or 1076 of this title, such regulations shall require that, whenever practicable, such care be provided in a facility of the uniformed services.

"(c) In this section:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1095. Medical care: members held as captives and their dependents.".

10 USC 1095 note.

(3)(A) Section 1095 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any person whose captive status begins after January 21, 1981.

President of U.S. Regulations.

(B) The President shall prescribe specific regulations regarding the carrying out of such section with respect to persons whose captive status begins during the period beginning on January 21, 1981, and ending on the effective date of that section.

100 STAT. 887

(d) Educational Assistance.—(1) Part III of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 110—EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS

"Sec.
"2181. Definitions.
"2182. Educational assistance: dependents of captives.

"2183. Educational assistance: former captives.
"2184. Termination of assistance.
"2185. Programs to be consistent with programs administered by the Veterans' Administration.

"§ 2181. Definitions

10 USC 2181.

"In this chapter:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.

"§ 2182. Educational assistance: dependents of captives

10 USC 2182.

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) a dependent of a person who is in a captive status for expenses incurred, while attending an educational or training institution, for—

"(1) subsistence;
"(2) tuition;
"(3) fees;
"(4) supplies;
"(5) books;
"(6) equipment; and
"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a dependent of a person who is in a captive status for education or training that occurs—

Post, p. 888.

"(1) after that person is in a captive status for not less than 90 days; and

"(2) on or before—

"(A) the end of any semester or quarter (as appropriate) that begins before the date on which the captive status of that person terminates;

"(B) the earlier of the end of any course that began before such date or the end of the 16-week period following that date if the educational or training institution is not operated on a semester or quarter system; or

"(C) a date specified by the Secretary concerned in order to respond to special circumstances.

"(c) If a person in a captive status or a former captive dies and the death is incident to the captivity, payments shall be available under this section for a dependent of that person for education or training that occurs after the date of the death of that person.

"(d) The provisions of this section shall not apply to any dependent who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

38 USC 1700 *et seq.*

100 STAT. 888

"§ 2183. Educational assistance: former captives

10 USC 2183.

"(a) In order to respond to special circumstances, the Secretary concerned may pay (by advancement or reimbursement) a person who is a former captive for expenses incurred, while attending an educational or training institution, for—

"(1) subsistence;
"(2) tuition;
"(3) fees;
"(4) supplies;
"(5) books;
"(6) equipment; and
"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a person who is a former captive for education or training that occurs—

Infra.

"(1) after the termination of the status of that person as a captive; and

"(2) on or before—

"(A) the end of any semester or quarter (as appropriate) that begins before the end of the 10-year period beginning on the date on which the status of that person as a captive terminates; or

"(B) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course that began before such date or the end of the 16-week period following that date.

"(c) Payments shall be available under this section only to the extent that such payments are not otherwise authorized by law.

10 USC 2184.

"§ 2184. Termination of assistance

"Assistance under this chapter—

"(1) shall be discontinued for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38; and

"(2) may not be provided for any person for more than 45 months (or the equivalent in other than full-time education or training).

10 USC 2185.

"§ 2185. Programs to be consistent with programs administered by the Veterans' Administration

"Regulations prescribed to carry out this chapter shall provide that the programs under this chapter shall be consistent with the educational assistance programs under chapters 35 and 36 of title 38.".

38 USC 1700 *et seq.*, 1770 *et seq.*

(2) The table of chapters at the beginning of subtitle A of such title, and the table of chapters at the beginning of part III of such subtitle, are amended by inserting after the item relating to chapter 109 the following new item:

"110. Educational Assistance for Members Held as Captives and Their Dependents .... 2181".

10 USC 2181 note.

(3) Chapter 110 of title 10, United States Code, as added by paragraph (1), shall apply with respect to persons whose captive status begins after January 21, 1981.

(e) ACCOUNT USED FOR PAYMENT OF COMPENSATION FOR VICTIMS OF TERRORISM.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end thereof the following new section:

100 STAT. 889

37 USC 1013.

"§ 1013. Payment of compensation for victims of terrorism

Ante, p. 884.

"Any benefit or payment pursuant to section 559 of this title, or section 1051 or 1095 or chapter 110 of title 10, shall be paid out of funds available to the Secretary concerned for military personnel.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1013. Payment of compensation for victims of terrorism.".

Effective date.
5 USC 5569 note.

SEC. 807. REGULATIONS.

Any regulation required by this title or by any amendment made by this title shall take effect not later than 6 months after the date of enactment of this Act.

5 USC 5569 note.

SEC. 808. EFFECTIVE DATE OF ENTITLEMENTS.

Provisions enacted by this title which provide new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 shall not be effective until October 1, 1986.

2 USC 651.

TITLE IX—MARITIME SECURITY

International Maritime and Port Security Act.
46 USC app. 1801 note.

SEC. 901. SHORT TITLE.

This title may be cited as the "International Maritime and Port Security Act".

Vessels.
46 USC app. 1801.

SEC. 902. INTERNATIONAL MEASURES FOR SEAPORT AND SHIPBOARD SECURITY.

The Congress encourages the President to continue to seek agreement through the International Maritime Organization on matters of international seaport and shipboard security, and commends him on his efforts to date. In developing such agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. Such agreement would establish seaport and vessel security measures and could include—

(1) seaport screening of cargo and baggage similar to that done at airports;

(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

(3) additional security on board vessels;

(4) licensing or certification of compliance with appropriate security standards; and

(5) other appropriate measures to prevent unlawful acts against passengers and crews on board vessels.

SEC. 903. MEASURES TO PREVENT UNLAWFUL ACTS AGAINST PASSENGERS AND CREWS ON BOARD SHIPS.

46 USC app. 1801 note.

(a) Report on Progress of IMO.—The Secretary of Transportation and the Secretary of State, jointly, shall report to the Congress by February 28, 1987, on the progress of the International Maritime Organization in developing recommendations on Measures to Prevent Unlawful Acts Against Passengers and Crews On Board Ships.

(b) Content of Report.—The report required by subsection (a) shall include the following information—

100 STAT. 890

(1) the specific areas of agreement and disagreement on the recommendations among the member nations of the International Maritime Organization;

(2) the activities of the Maritime Safety Committee, the Facilitation Committee, and the Legal Committee of the International Maritime Organization in regard to the proposed recommendations; and

(3) the security measures specified in the recommendations.

(c) Security Measures at United States Ports.—If the member nations of the International Maritime Organization have not finalized and accepted the proposed recommendations by February 28, 1987, the Secretary of Transportation shall include in the report required by this section a proposed plan of action (including proposed legislation if necessary) for the implementation of security measures at United States ports and on vessels operating from those ports based on the assessment of threat from acts of terrorism reported by the Secretary of Transportation under section 905.

SEC. 904. PANAMA CANAL SECURITY.

President of U.S.
Reports.
46 USC app. 1801 note.

Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress on the status of physical security at the Panama Canal with respect to the threat of terrorism.

SEC. 905. THREAT OF TERRORISM TO UNITED STATES PORTS AND VESSELS.

Reports.
46 USC app. 1802.

Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report to the Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports.

SEC. 906. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

The Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) is amended by inserting after section 6 the following new section:

"Sec. 7. Port, Harbor, and Coastal Facility Security.

Vessels.
36 USC 1226.

"(a) General Authority.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism against—

"(1) an individual, vessel, or public or commercial structure, that is—

"(A) subject to the jurisdiction of the United States; and

"(B) located within or adjacent to the marine environment; or

"(2) a vessel of the United States or an individual on board that vessel.

"(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

"(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism; and

Uniformed services.

"(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism.".

Vessels. 46 USC app. 1803.

SEC. 907. SECURITY STANDARDS AT FOREIGN PORTS.

(a) ASSESSMENT OF SECURITY MEASURES.—The Secretary of Transportation shall develop and implement a plan to assess the effectiveness of the security measures maintained at those foreign ports which the Secretary, in consultation with the Secretary of State, determines pose a high risk of acts of terrorism directed against passenger vessels.

(b) CONSULTATION WITH THE SECRETARY OF STATE.—In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country and poses a high risk of acts of terrorism directed against passenger vessels.

(c) REPORT OF ASSESSMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the plan developed pursuant to subsection (a) and how the Secretary will implement the plan.

(d) DETERMINATION AND NOTIFICATION TO FOREIGN COUNTRY.—If, after implementing the plan in accordance with subsection (a), the Secretary of Transportation determines that a port does not maintain and administer effective security measures, the Secretary of State (after being informed by the Secretary of Transportation) shall notify the appropriate government authorities of the country in which the port is located of such determination, and shall recommend the steps necessary to bring the security measures in use at that port up to the standard used by the Secretary of Transportation in making such assessment.

President of U.S.

22 USC 2349aa.

(e) ANTITERRORISM ASSISTANCE RELATED TO MARITIME SECURITY.—The President is encouraged to provide antiterrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 to foreign countries, especially with respect to a port which the Secretary of Transportation determines under subsection (d) does not maintain and administer effective security measures.

46 USC app. 1804.

SEC. 908. TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.

Vessels.

Federal Register, publication.

(a) TRAVEL ADVISORY.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary of Transportation has determined pursuant to section 907(d) to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that port. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) LIFTING OF TRAVEL ADVISORY.—The travel advisory required to be issued under subsection (a) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination described in section 907(d).

(c) NOTIFICATION TO CONGRESS.—The Secretary of State shall immediately notify the Congress of any change in the status of a travel advisory imposed pursuant to this section.

SEC. 909. SUSPENSION OF PASSENGER SERVICES.

Vessels.
46 USC app. 1805.
President of U.S.

(a) PRESIDENT'S DETERMINATION.—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, any terrorist or terrorist group which knowingly uses the illegal seizure of passenger vessels or the threat thereof as an instrument of policy, the President may, without notice or hearing and for as long as the President determines necessary to assure the security of passenger vessels against unlawful seizure, suspend the right of any passenger vessel common carrier to operate to and from, and the right of any passenger vessel of the United States to utilize, any port in that foreign nation for passenger service.

(b) PROHIBITION.—It shall be unlawful for any passenger vessel common carrier, or any passenger vessel of the United States, to operate in violation of the suspension of rights by the President under this section.

(c) PENALTY.—(1) If a person operates a vessel in violation of this section, the Secretary of the department in which the Coast Guard is operating may deny the vessels of that person entry to United States ports.

(2) A person violating this section is liable to the United States Government for a civil penalty of not more than $50,000. Each day a vessel utilizes a prohibited port shall be a separate violation of this section.

SEC. 910. SANCTIONS FOR THE SEIZURE OF VESSELS BY TERRORISTS.

46 USC app. 1806.

The Congress encourages the President—

(1) to review the adequacy of domestic and international sanctions against terrorists who seize or attempt to seize vessels; and

(2) to strengthen where necessary, through bilateral and multilateral efforts, the effectiveness of such sanctions.

President of U.S.
Reports.

Not later than one year after the date of enactment of this Act, the President shall submit a report to the Congress which includes the review of such sanctions and the efforts to improve such sanctions.

SEC. 911. DEFINITIONS.

46 USC app. 1807.

For purposes of this title—

(1) the term "common carrier" has the same meaning given such term in section 3(6) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)); and

(2) the terms "passenger vessel" and "vessel of the United States" have the same meaning given such terms in section 2101 of title 46, United States Code.

SEC. 912. AUTHORIZATION OF APPROPRIATIONS.

46 USC app. 1808.

There are authorized to be appropriated $12,500,000 for each of the fiscal years 1987 through 1991, to be available to the Secretary of Transportation to carry out this title.

SEC. 913. REPORTS.

46 USC app. 1809.

Classified information.

(a) CONSOLIDATION.—To the extent practicable, the reports required under sections 903, 905, and 907 shall be consolidated into a single document before being submitted to the Congress. Any classified material in those reports shall be submitted separately as an addendum to the consolidated report.

100 STAT. 893

(b) SUBMISSION TO COMMITTEES.—The reports required to be submitted to the Congress under this title shall be submitted to the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate.

Fascell Fellowship Act.

TITLE X—FASCELL FELLOWSHIP PROGRAM

22 USC 4901 note.

SEC. 1001. SHORT TITLE.

This title may be cited as the "Fascell Fellowship Act".

22 USC 4901.

SEC. 1002. FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE AT UNITED STATES MISSIONS IN THE SOVIET UNION AND EASTERN EUROPE.

(a) ESTABLISHMENT.—There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions formerly held by foreign national employees at United States diplomatic or consular missions in the Soviet Union or Eastern European countries.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this title shall be known as "Fascell Fellowships".

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this title shall be provided in order to allow the recipient (hereafter in this title referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission in the Soviet Union or an Eastern European country in order to obtain first hand exposure to that country, including (as appropriate) independent study in Soviet or Eastern European area studies or languages.

(d) INDIVIDUALS WHO MAY RECEIVE A FELLOWSHIP.—To receive a fellowship under this title, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in Soviet or Eastern European area studies or languages and who has a working knowledge of the principal language of the country in which he or she would serve.

(e) WOMEN AND MEMBERS OF MINORITY GROUPS.—In carrying out this section, the Secretary of State shall actively recruit women and members of minority groups.

22 USC 4902.

SEC. 1003. FELLOWSHIP BOARD.

(a) ESTABLISHMENT AND FUNCTION.—There is hereby established a Fellowship Board (hereafter in this title referred to as the "Board"), which shall select the individuals who will be eligible to serve as Fellows.

(b) MEMBERSHIP.—The Board shall consist of 9 members as follows:

(1) A senior official of the Department of State (who shall be the chair of the Board), designated by the Secretary of State.

(2) An officer or employee of the Department of Commerce, designated by the Secretary of Commerce.

(3) An officer or employee of the United States Information Agency, designated by the Director of that Agency.

(4) Six academic specialists in Soviet or Eastern European area studies or languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority of the Committee on Foreign Relations of the Senate).

100 STAT. 894

(c) MEETINGS.—The Board shall meet at least once each year to select the individuals who will be eligible to serve as Fellows.

(d) COMPENSATION AND PER DIEM.—Members of the Board shall receive no compensation on account of their service on the Board, but while away from their homes or regular places of business in the performance of their duties under this title, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 1004. FELLOWSHIPS.

22 USC 4903.

(a) NUMBER.—Up to 100 fellowships may be provided under this title each year.

(b) REMUNERATION AND PERIOD.—The Board shall determine, taking into consideration the position in which each Fellow will serve and his or her experience and expertise—

(1) the amount of remuneration the Fellow will receive for his or her service under this title, and

(2) the period of the fellowship, which shall be between one and two years.

(c) TRAINING.—Each Fellow may be given appropriate training at the Foreign Service Institute or other appropriate institution.

(d) HOUSING AND TRANSPORTATION.—The Secretary of State shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including (where appropriate) housing for family members; and

(2) pay the costs and expenses incurred by each Fellow in traveling between the United States and the country in which the Fellow serves, including (where appropriate) travel for family members.

(e) EFFECTIVE DATE.—Subsection (d) of this section shall not take effect until October 1, 1986.

SEC. 1005. SECRETARY OF STATE.

22 USC 4904.

(a) DETERMINATIONS.—The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission in the Soviet Union or Eastern Europe and the position in which each will serve.

(b) AUTHORITIES.—Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5 of the United States Code.

22 USC 3901 note.
22 USC 2651 note.

(c) FUNDING.—Funds appropriated to the Department of State for "Salaries and Expenses" shall be used for the expenses incurred in carrying out this title.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

SEC. 1101. FINDINGS.

10 USC 133 note.

The Congress finds that—

(1) there is evidence that terrorists consider bases and installations of United States Armed Forces outside the United States to be targets for attack;

(2) more attention should be given to the protection of members of the Armed Forces, and members of their families, stationed outside the United States; and

(3) current programs to educate members of the Armed Forces, and members of their families, stationed outside of the United States to the threats of terrorist activity and how to protect themselves should be substantially expanded.

SEC. 1102. RECOMMENDED ACTIONS BY THE SECRETARY OF DEFENSE.

10 USC 133 note.

It is the sense of the Congress that—

(1) the Secretary of Defense should review the security of each base and installation of the Department of Defense outside the United States, including the family housing and support activities of each such base or installation, and take the steps the Secretary considers necessary to improve the security of such bases and installations; and

(2) the Secretary of Defense should institute a program of training for members of the Armed Forces, and for members of

their families, stationed outside the United States concerning security and antiterrorism.

10 USC 133 note. **SEC. 1103. REPORT TO THE CONGRESS.**

No later than June 30, 1987, the Secretary of Defense shall report to the Congress on any actions taken by the Secretary described in section 1102.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

SEC. 1201. ENCOURAGEMENT FOR NEGOTIATION OF A CONVENTION.

President of U.S. (a) Sense of Congress.—It is the sense of the Congress that the President should establish a process to encourage the negotiation of an international convention to prevent and control all aspects of international terrorism.

(b) Relation to Existing International Conventions.—Such convention should address the prevention and control of international terrorism in a comprehensive fashion, taking into consideration matters not covered by—

(1) the Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, December 16, 1970; 22 U.S.T. 1641, TIAS 7192);

(2) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, September 23, 1971; 24 U.S.T. 564, TIAS 7570);

(3) the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (New York, December 14, 1973; 28 U.S.T. 1975, TIAS 8532);

(4) the Convention Against the Taking of Hostages (New York, December 17, 1979; XVIII International Legal Materials 1457);

(5) the Convention on the Physical Protection of Nuclear Materials (October 26, 1979; XVIII International Legal Materials 1419); and

(6) the Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, September 14, 1963; 20 U.S.T. 2941, TIAS 6768).

100 STAT. 896

(c) What the Convention Should Provide.—Such convention should provide—

(1) an explicit definition of conduct constituting terrorism;

(2) effective close intelligence-sharing, joint counterterrorist training, and uniform rules for asylum and extradition for perpetrators of terrorism; and

(3) effective criminal penalties for the swift punishment of perpetrators of terrorism.

(d) Consideration of an International Tribunal.—The President should also consider including on the agenda for these negotiations the possibility of eventually establishing an international tribunal for prosecuting terrorists.

SEC. 1202. EXTRATERRITORIAL CRIMINAL JURISDICTION OVER TERRORIST CONDUCT.

(a) In General.—Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—EXTRATERRITORIAL JURISDICTION OVER TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS

18 USC 2331. **"§ 2331. Terrorist acts abroad against United States nationals**

"(a) Homicide.—Whoever kills a national of the United States, while such national is outside the United States, shall—

"(1) if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both.

"(b) Attempt or Conspiracy With Respect to Homicide.—Whoever outside the United States attempts to kill, or engages in a conspiracy to kill, a national of the United States shall—

"(1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than 20 years, or both; and

"(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

"(c) Other Conduct.—Whoever outside the United States engages in physical violence—

"(1) with intent to cause serious bodily injury to a national of the United States; or

"(2) with the result that serious bodily injury is caused to a national of the United States;

shall be fined under this title or imprisoned not more than five years, or both.

"(d) Definition.—As used in this section the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

100 STAT. 897

"(e) Limitation on Prosecution.—No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.".

(b) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113, the following new item:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals.".

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. PEACE CORPS AUTHORIZATION OF APPROPRIATIONS.

22 USC 2502.

Section 3 of the Peace Corps Act is amended by amending subsection (b) to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $130,000,000 for the fiscal year 1986 and $137,200,000 for the fiscal year 1987.".

SEC. 1302. DEMONSTRATIONS AT EMBASSIES IN THE DISTRICT OF COLUMBIA.

It is the sense of the Congress that—

(1) the District of Columbia law concerning demonstrations near foreign missions in the District of Columbia (D.C. Code, sec. 22-1115) may be inconsistent with the reasonable exercise of the rights of free speech and assembly, that law may have been selectively enforced, and peaceful demonstrators may have been unfairly arrested under that law;

(2) the obligation of the United States to provide adequate security for the missions and personnel of foreign governments must be balanced with the reasonable exercise of the rights of free speech and assembly; and

(3) therefore, the Council of the District of Columbia should review and, if appropriate, make revisions in the laws of the District of Columbia concerning demonstrations near foreign missions, in consultation with the Secretary of State and the Secretary of the Treasury.

SEC. 1303. KURT WALDHEIM'S RETIREMENT ALLOWANCE.

(a) FINDINGS.—The Congress finds that—

(1) Kurt Waldheim's misrepresentations about his past enabled him to rise to the position of Secretary General of the United Nations;

(2) Kurt Waldheim currently receives $81,650 a year as a retirement allowance for his service in that position; and

(3) Kurt Waldheim's misrepresentations went to matters that lie at the very heart of the purposes of the United Nations.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to act to amend the 1986-1987 Regular Program Budget to eliminate funding of Kurt Waldheim's retirement allowance and to act to deny Kurt Waldheim a retirement allowance in all future budgets.

SEC. 1304. ERADICATION OF AMBLYOMMA VARIEGATUM.

Animals.

Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended by adding after paragraph (2) the following new paragraph:

"(3) Of the amounts authorized to be appropriated in paragraph (2) for the fiscal year 1987, not less than $2,000,000 shall be available only for the purpose of controlling and eradicating amblyomma variegatum (heartwater) in bovine animals in the Caribbean.".

SEC. 1305. STRENGTHEN FOREIGN LANGUAGE SKILLS.

It is the sense of the Congress that the Secretary of State should substantially strengthen the foreign language training of Foreign Service officers and other United States diplomatic personnel who may serve in embassies overseas, and to work toward early implementation of a program focusing on acquisition and retention of effective linguistic skills the careers of United States diplomatic personnel.

SEC. 1306. FORFEITURE OF PROCEEDS DERIVED FROM ESPIONAGE ACTIVITIES.

(a) GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION.—Section 793 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Any person convicted of a violation of this section shall forfeit to the United States, irrespective of any provision of State law, any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, as the result of such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

"(3) The provisions of subsections (b), (c), and (e) through (o) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(o)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.".

(b) GATHERING OR DELIVERING DEFENSE INFORMATION TO AID FOREIGN GOVERNMENT.—Section 794 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation, and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

"(3) The provisions of subsections (b), (c) and (e) through (o) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(o)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amount from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.".

(c) ORDER OF SPECIAL FORFEITURE.—Subsection (a) of section 3671 of title 18, United States Code, is amended by inserting after "conviction of a defendant for" the following: "an offense under section 794 of this title or for".

Ante, p. 898.

SEC. 1307. EXPRESSION OF SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE.

47 USC 609.

Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Department of State, the United States Agency for International Development, or the United States Information Agency from participation in support of any activities of the United States Telecommunications Training Institute (including use of staff, other appropriate resources and service on the board of the Institute).

SEC. 1308. POLICY TOWARD AFGHANISTAN.

Union of Soviet Socialist Republics.
Human rights.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union invaded the sovereign territory of Afghanistan on December 27, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

(2) the outrageous and barbaric treatment of the people of Afghanistan by the Soviet Union is repugnant to all freedom-loving peoples as reflected in seven United Nations resolutions of condemnation, violates all standards of conduct befitting a responsible nation, and contravenes all recognized principles of international law;

(3) the Special Rapporteur of the United Nations Commission on Human Rights, in his November 5, 1985, report to the General Assembly, concludes that "whole groups of persons and

tribes are endangered in their existence and in their lives because their living conditions are fundamentally affected by the kind of warfare being waged" and that the "Government of Afghanistan, with heavy support from foreign [Soviet] troops, acts with great severity against opponents or suspected opponents of the regime without any respect for human rights obligations" including "use of antipersonnel mines and of so-called toy bombs" and "the indiscriminate mass killings of civilians, particularly women and children";

100 STAT. 900

Kabul.

(4) the Special Rapporteur also concludes that the war in Afghanistan has been characterized by "the most cruel methods of warfare and by the destruction of large parts of the country which has affected the conditions of life of the population, destabilizing the ethnic and tribal structure and disrupting family units" and that the "demographic structure of the country has changed, since over 4 million refugees from all provinces and all classes have settled outside the country and thousands of internal refugees have crowded into the cities like Kabul";

(5) the United Nations General Assembly, in a recorded vote of 80–22 on December 13, 1985, accepted the findings of the Special Rapporteur and deplored the refusal of Soviet-led Afghan officials to cooperate with the United Nations, and expressed "profound distress and alarm" at "the widespread violations of the right to life, liberty, and security of person, including the commonplace practice of torture and summary executions of the regime's opponents, as well as increasing evidence of a policy of religious intolerance";

(6) in a subsequent report of the Special Rapporteur of February 14, 1986, the Special Rapporteur found that "The only solution to the human rights situation in Afghanistan is the withdrawal of the foreign troops" and that "Continuation of the military solution will, in the opinion of the Special Rapporteur, lead inevitably to a situation approaching Genocide, which the traditions and culture of this noble people cannot permit";

(7) the Soviet invasion of Afghanistan caused the United States to postpone indefinitely action on the SALT II Treaty in 1979, and the presence of Soviet troops in that country today continues to adversely affect the prospects for long-term improvement of the United States-Soviet bilateral relationship in many fields of great importance to the global community;

(8) the Soviet leadership appears to be engaged in a calculated policy of raising hopes for a withdrawal of Soviet troops from Afghanistan in the apparent belief that words will substitute for genuine action in shaping world opinion; and

President of U.S.
State of the
Union Address.

(9) President Reagan, in his February 4, 1986, State of the Union Address promised the Afghan people that "America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win freedom".

(b) Policy.—(1) It is the sense of the Congress that the United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through—

(A) the appropriate provisions of material support;

(B) renewed multilateral initiatives aimed at encouraging Soviet military withdrawal, the return of an independent and nonaligned status to Afghanistan, and a peaceful political settlement acceptable to the people of Afghanistan, which includes provision for the return of Afghan refugees in safety and dignity;

Public
information.

(C) a continuous and vigorous public information campaign to bring the facts of the situation in Afghanistan to the attention of the world;

(D) frequent efforts to encourage the Soviet leadership and the Soviet-backed Afghan regime to remove the barriers erected against the entry into and reporting of events in Afghanistan by international journalists; and

(E) vigorous efforts to impress upon the Soviet leadership the penalty that continued military action in Afghanistan imposes upon the building of a long-term constructive relationship with the United States, because of the negative effect that Soviet policies in Afghanistan have on attitudes toward the Soviet Union among the American people and the Congress.

Reports.

(2) It is further the sense of the Congress that the Secretary of State should—

(A) determine whether the actions of Soviet forces against the people of Afghanistan constitute the international crime of Genocide as defined in Article II of the International Convention on the Prevention and Punishment of the Crime of Genocide, signed on behalf of the United States on December 11, 1948, and, if the Secretary determines that Soviet actions may constitute the crime of genocide, he shall report his findings to the President and the Congress, along with recommended actions; and

Kabul.

(B) review United States policy with respect to the continued recognition of the Soviet puppet government in Kabul to determine whether such recognition is in the interest of the United States.

Approved August 27, 1986.

LEGISLATIVE HISTORY—H.R. 4151:

HOUSE REPORTS: No. 99-494 (Comm. on Foreign Affairs) and No. 99-783 (Comm. of Conference).
SENATE REPORTS: No. 99-304 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Mar. 18, considered and passed House.
June 25, considered and passed Senate, amended.
Aug. 12, House and Senate agreed to conference report.

Public Law 99-415
99th Congress

100 STAT. 947

An Act

To authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as well as other assistance.

Sept. 19, 1986
[H.R. 4329]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anglo-Irish Agreement Support Act of 1986.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anglo-Irish Agreement Support Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that the Anglo-Irish Agreement is a clear demonstration of the determination of the Government of the United Kingdom and the Government of Ireland to make progress concerning the complex situation in Northern Ireland. The Congress strongly supports the Anglo-Irish Agreement and is particularly encouraged that these two neighboring countries, longstanding friends of the United States, have joined together to rebuild a land that has too often been the scene of economic hardship and where many have suffered severely from the consequences of violence in recent years. In recognition of our ties of kinship, history, and commitment to democratic values, the Congress believes the United States should participate in this renewed commitment to social and economic progress in Northern Ireland and affected areas of Ireland.

(b) Purposes.—It is, therefore, the purpose of this Act to provide for United States contributions in support of the Anglo-Irish Agreement, such contributions to consist of economic support fund assistance for payment to the International Fund established pursuant to the Anglo-Irish Agreement, as well as other assistance to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland. The purpose of these United States contributions shall be to support the Anglo-Irish Agreement in promoting reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.

SEC. 3. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.

22 USC 2346.

(a) Fiscal Year 1986.—Of the amounts made available for the fiscal year 1986 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $50,000,000 shall be used for United States contributions to the International Fund. Pending the formal establishment of the International Fund and submission of the certification required by section 5(c) of this Act, these funds may, pursuant to an agreement

100 STAT. 948

with the Government of the United Kingdom and the Government of Ireland, be disbursed into and maintained in a separate account.

(b) Fiscal Years 1987 and 1988.—Of the amounts made available for each of the fiscal years 1987 and 1988 to carry out that chapter, $35,000,000 shall be used for United States contributions to the International Fund; and that amount is hereby authorized to be appropriated for each of those fiscal years to carry out that chapter (in addition to amounts otherwise authorized to be appropriated). Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

SEC. 4. OTHER ASSISTANCE.

(a) Available Authorities.—In addition to other available authorities, the following authorities may be used to provide assistance or other support to carry out the purposes of section 2 of this Act:

22 USC 2151f. (1) Section 108 of the Foreign Assistance Act of 1961 (relating to the Private Sector Revolving Fund).

22 USC 2181-2183. (2) Sections 221 through 223 of that Act (relating to the Housing Guaranty Program).

22 USC 2191. (3) Title IV of chapter 2 of part I of that Act (relating to the Overseas Private Investment Corporation), without regard to the limitation contained in paragraph (2) of the second undesignated paragraph of section 231 of that Act.

22 USC 2421. (4) Section 661 of that Act (relating to the Trade and Development Program).

(b) Other Laws.—Assistance under this Act may be provided without regard to any other provision of law.

SEC. 5. CONDITIONS AND UNDERSTANDINGS RELATING TO THE UNITED STATES CONTRIBUTIONS.

Northern Ireland.

(a) Promoting Economic and Social Reconstruction and Development.—The United States contributions provided for in this Act may be used only to support and promote economic and social reconstruction and development in Ireland and Northern Ireland. The restrictions contained in sections 531(e) and 660(a) of the Foreign Assistance Act of 1961 apply with respect to any such contributions.

22 USC 2346-2420.

President of U.S.

(b) United States Representation on the Board of the Fund.—The President shall make every effort, in consultation with the Government of the United Kingdom and the Government of Ireland, to ensure that there is United States representation on the Board of the International Fund.

(c) PRIOR CERTIFICATIONS.—Each fiscal year, the United States may make contributions to the International Fund only if the President certifies to the Congress that he is satisfied that—

(1) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

(2) disbursements from the International Fund—

(A) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

(B) will address the needs of both communities in Northern Ireland.

Each such certification shall include a detailed explanation of the basis for the President's decision.

President of U.S.

SEC. 6. ANNUAL REPORTS.

At the end of each fiscal year in which the United States Government makes any contribution to the International Fund, the President shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

(2) the United States contribution to the International Fund is meeting its objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

Human rights.
Northern Ireland.

SEC. 7. REQUIREMENTS RELATING TO FUNDS FOR "INTERNATIONAL ORGANIZATIONS AND CONFERENCES".

(a) DISBURSEMENTS, AUDITS, AND REPORTS.—The provisions relating to disbursements on vouchers, audits, and submission of reports with respect to expenditures pursuant to the Joint Resolution of July 11, 1956 (Public Law 689), shall also apply with respect to expenditures pursuant to section 109(c) of the Act of November 22, 1983 (Public Law 98-164).

22 USC 1928a.

97 Stat. 1019.

(b) FUNDS SUBJECT TO REQUIREMENTS.—That section is amended—

(1) by striking out "In addition to" and inserting in lieu thereof "Of";

(2) by striking out "by section 102(2)" and all that follows through "1985" and inserting in lieu thereof "for each fiscal year";

(3) by inserting "may be used" before "for expenses"; and

(4) by striking out all that follows "participation in" through "such as".

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "Anglo-Irish Agreement" means the Agreement Between the Government of Ireland and the Government of the United Kingdom dated November 15, 1985; and

(2) the term "International Fund" means the international fund for economic development projects in Northern Ireland and Ireland, established pursuant to Article 10 of the Anglo-Irish Agreement.

Approved September 19, 1986.

LEGISLATIVE HISTORY—H.R. 4329:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Mar. 11, considered and passed House.
Aug. 13, considered and passed Senate, amended.
Aug. 14, House concurred in Senate amendments.

100 STAT. 1086

Public Law 99-440
99th Congress

An Act

Oct. 2, 1986
[H.R. 4868]

To prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes

Comprehensive Anti-Apartheid Act of 1986.
Human rights.
Terrorism.
22 USC 5001 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Anti-Apartheid Act of 1986".

TABLE OF CONTENTS

SEC. 2. The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Purpose.

TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO ENDING APARTHEID

Sec. 101. Policy toward the Government of South Africa.
Sec. 102. Policy toward the African National Congress, etc.
Sec. 103. Policy toward the victims of apartheid.
Sec. 104. Policy toward other countries in Southern Africa.
Sec. 105. Policy toward "frontline" states.
Sec. 106. Policy toward a negotiated settlement.
Sec. 107. Policy toward international cooperation on measures to end apartheid.
Sec. 108. Policy toward necklacing.
Sec. 109. United States Ambassador to meet with Nelson Mandela.
Sec. 110. Policy toward the recruitment and training of black South Africans by United States employers.

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

Sec. 201. Scholarships for the victims of apartheid.
Sec. 202. Human rights fund.
Sec. 203. Expanding participation in the South African economy.
Sec. 204. Export-Import Bank of the United States.
Sec. 205. Labor practices of the United States Government in South Africa.
Sec. 206. Welfare and protection of the victims of apartheid employed by the United States.
Sec. 207. Employment practices of United States nationals in South Africa.
Sec. 208. Code of Conduct.
Sec. 209. Prohibition on assistance.
Sec. 210. Use of the African Emergency Reserve.
Sec. 211. Prohibition on assistance to any person or group engaging in "necklacing".
Sec. 212. Participation of South Africa in agricultural export credit and promotion programs.

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

Sec. 301. Prohibition on the importation of krugerrands.
Sec. 302. Prohibition on the importation of military articles.
Sec. 303. Prohibition on the importation of products from parastatal organizations.
100 STAT. 1087
Sec. 304. Prohibition on computer exports to South Africa.
Sec. 305. Prohibition on loans to the Government of South Africa.
Sec. 306. Prohibition on air transportation with South Africa.
Sec. 307. Prohibitions on nuclear trade with South Africa.
Sec. 308. Government of South Africa bank accounts.
Sec. 309. Prohibition on importation of uranium and coal from South Africa.
Sec. 310. Prohibition on new investment in South Africa.
Sec. 311. Termination of certain provisions.
Sec. 312. Policy toward violence or terrorism.
Sec. 313. Termination of tax treaty and protocol.
Sec. 314. Prohibition on United States Government procurement from South Africa.
Sec. 315. Prohibition on the promotion of United States tourism in South Africa.
Sec. 316. Prohibition on United States Government assistance to, investment in, or subsidy for trade with, South Africa.
Sec. 317. Prohibition on sale or export of items on Munition List.
Sec. 318. Munitions list sales, notification.
Sec. 319. Prohibition on importation of South African agricultural products and food.
Sec. 320. Prohibition on importation of iron and steel.
Sec. 321. Prohibition on exports of crude oil and petroleum products.

Sec. 322. Prohibition on cooperation with the armed forces of South Africa.
Sec. 323. Prohibition on sugar imports.

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

Sec. 401. Negotiating authority.
Sec. 402. Limitation on imports from other countries.
Sec. 403. Private right of action.

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

Sec. 501. Additional measures.
Sec. 502. Lifting of prohibitions.
Sec. 503. Study of health conditions in the "homelands" areas of South Africa.
Sec. 504. Reports on South African imports.
Sec. 505. Study and report on the economy of southern Africa.
Sec. 506. Report on relations between other industrialized democracies and South Africa.
Sec. 507. Study and report on deposit accounts of South African nationals in United States banks.
Sec. 508. Study and report on the violation of the international embargo on sale and export of military articles to South Africa.
Sec. 509. Report on Communist activities in South Africa.
Sec. 510. Prohibition on the importation of Soviet gold coins.
Sec. 511. Economic support for disadvantaged South Africans.
Sec. 512. Report on the African National Congress.

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

Sec. 601. Regulatory authority.
Sec. 602. Congressional priority procedures.
Sec. 603. Enforcement and penalties.
Sec. 604. Applicability to evasions of Act.
Sec. 605. Construction of Act.
Sec. 606. State or local anti-apartheid laws, enforce.

DEFINITIONS

SEC. 3. As used in this Act— 22 USC 5001.

(1) the term "Code of Conduct" refers to the principles set forth in section 208(a);

(2) the term "controlled South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa and owned or controlled, directly or indirectly, by a national of the United States; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a national of the United States;

(3) the term "loan"—

(A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including—

100 STAT. 1088

(i) overdrafts,

(ii) currency swaps,

(iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act,

(iv) the purchase of a loan made by another person,

(v) the sale of financial assets subject to an agreement to repurchase, and

(vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity, and

(B) does not include—

(i) normal short-term trade financing, as by letters of credit or similar trade credits;

(ii) sales on open account in cases where such sales are normal business practice; or

(iii) rescheduling of existing loans, if no new funds or credits are thereby extended to a South African entity or the Government of South Africa;

(4) the term "new investment"—

(A) means—

(i) a commitment or contribution of funds or other assets, and

(ii) a loan or other extension of credit, and

(B) does not include—

(i) the reinvestment of profits generated by a controlled South African entity into that same controlled South African entity or the investment of such profits in a South African entity;

(ii) contributions of money or other assets where such contributions are necessary to enable a controlled South African entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a South African entity or a controlled South African entity or a debt or equity security issued by the Government of South Africa or a South African entity before the date of enactment of this Act, or the transfer or acquisition of such a share, interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a South African entity, a controlled South African entity, or the Government of South Africa;

(5) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States or is an alien lawfully admitted for permanent residence in the United States, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); or

(B) a corporation, partnership, or other business association which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(6) the term "South Africa" includes—

100 STAT. 1089

(A) the Republic of South Africa;

(B) any territory under the Administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

(7) the term "South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a person that resides or is organized outside South Africa; and

(8) the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

PURPOSE

22 USC 5002.

SEC. 4. The purpose of this Act is to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government. This Act sets out United States policy toward the Government of South Africa, the victims of apartheid, and the other states in southern Africa. It also provides the President with additional authority to work with the other industrial democracies to help end apartheid and establish democracy in South Africa.

TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO ENDING APARTHEID

POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA

22 USC 5011.

SEC. 101. (a) United States policy toward the Government of South Africa shall be designed to bring about reforms in that system of government that will lead to the establishment of a nonracial democracy.

(b) The United States will work toward this goal by encouraging the Government of South Africa to—

(1) repeal the present state of emergency and respect the principle of equal justice under law for citizens of all races;

(2) release Nelson Mandela, Govan Mbeki, Walter Sisulu, black trade union leaders, and all political prisoners;

Nelson Mandela.
Govan Mbeki.
Walter Sisulu.

(3) permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) establish a timetable for the elimination of apartheid laws;

(5) negotiate with representatives of all racial groups in South Africa the future political system in South Africa; and

(6) end military and paramilitary activities aimed at neighboring states.

(c) The United States will encourage the actions set forth in subsection (b) through economic, political, and diplomatic measures as set forth in this Act. The United States will adjust its actions toward the Government of South Africa to reflect the progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection (a).

100 STAT. 1090

POLICY TOWARD THE AFRICAN NATIONAL CONGRESS, ETC.

Pan African Congress.
22 USC 5012.

SEC. 102 (a) United States policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations designed to bring about a nonracial and genuine democracy in South Africa.

(b) The United States shall work toward this goal by encouraging the African National Congress and the Pan African Congress, and their affiliates, to—

(1) suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible;

(2) make known their commitment to a free and democratic post-apartheid South Africa;

(3) agree to enter into negotiations with the South African Government and other groups representing black South Africans for the peaceful solution of the problems of South Africa;

(4) reexamine their ties to the South African Communist Party.

(c) The United States will encourage the actions set forth in subsection (b) through political and diplomatic measures. The United States will adjust its actions toward the Government of South Africa not only to reflect progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection 101(a) but also to reflect progress or lack of progress made by the ANC and other organizations in meeting the goal set forth in subsection (a) of this section.

POLICY TOWARD THE VICTIMS OF APARTHEID

22 USC 5013.

SEC. 103. (a) The United States policy toward the victims of apartheid is to use economic, political, diplomatic, and other effective means to achieve the removal of the root cause of their victimization, which is the apartheid system. In anticipation of the removal of the system of apartheid and as a further means of challenging that system, it is the policy of the United States to assist these victims of apartheid as individuals and through organizations to overcome the handicaps imposed on them by the system of apartheid and to help prepare them for their rightful roles as full participants in the political, social, economic, and intellectual life of their country in the post-apartheid South Africa envisioned by this Act.

(b) The United States will work toward the purposes of subsection (a) by—

(1) providing assistance to South African victims of apartheid without discrimination by race, color, sex, religious belief, or

political orientation, to take advantage of educational opportunities in South Africa and in the United States to prepare for leadership positions in a post-apartheid South Africa;

(2) assisting victims of apartheid;

(3) aiding individuals or groups in South Africa whose goals are to aid victims of apartheid or foster nonviolent legal or political challenges to the apartheid laws;

(4) furnishing direct financial assistance to those whose nonviolent activities had led to their arrest or detention by the South African authorities and (B) to the families of those killed by terrorist acts such as "necklacings";

(5) intervening at the highest political levels in South Africa to express the strong desire of the United States to see the development in South Africa of a nonracial democratic society;

(6) supporting the rights of the victims of apartheid through political, economic, or other sanctions in the event the Government of South Africa fails to make progress toward the removal of the apartheid laws and the establishment of such democracy; and

(7) supporting the rights of all Africans to be free of terrorist attacks by setting a time limit after which the United States will pursue diplomatic and political measures against those promoting terrorism and against those countries harboring such groups so as to achieve the objectives of this Act.

POLICY TOWARD OTHER COUNTRIES IN SOUTHERN AFRICA

22 USC 5014.

Sec. 104. (a) The United States policy toward the other countries in the Southern African region shall be designed to encourage democratic forms of government, full respect for human rights, an end to cross-border terrorism, political independence, and economic development.

(b) The United States will work toward the purposes of subsection (a) by—

Namibia.

(1) helping to secure the independence of Namibia and the establishment of Namibia as a nonracial democracy in accordance with appropriate United Nations Security Council resolutions;

(2) supporting the removal of all foreign military forces from the region;

(3) encouraging the nations of the region to settle differences through peaceful means;

(4) promoting economic development through bilateral and multilateral economic assistance targeted at increasing opportunities in the productive sectors of national economies, with a particular emphasis on increasing opportunities for nongovernmental economic activities;

(5) encouraging, and when necessary, strongly demanding, that all countries of the region respect the human rights of their citizens and noncitizens residing in the country, and especially the release of persons persecuted for their political beliefs or detained without trial;

(6) encouraging, and when necessary, strongly demanding that all countries of the region take effective action to end cross-border terrorism; and

Transportation.

(7) providing appropriate assistance, within the limitations of American responsibilities at home and in other regions, to assist regional economic cooperation and the development of interregional transportation and other capital facilities necessary for economic growth.

POLICY TOWARD "FRONTLINE" STATES

President of U.S.
Transportation.
22 USC 5015.

Sec. 105. It is the sense of the Congress that the President should discuss with the governments of the African "frontline" states the

100 STAT. 1092

effects on them of disruptions in transportation or other economic links through South Africa and of means of reducing those effects.

POLICY TOWARD A NEGOTIATED SETTLEMENT

22 USC 5016.

Communists.

SEC. 106. (a)(1) United States policy will seek to promote negotiations among representatives of all citizens of South Africa to determine a future political system that would permit all citizens to be full participants in the governance of their country. The United States recognizes that important and legitimate political parties in South Africa include several organizations that have been banned and will work for the unbanning of such organizations in order to permit legitimate political viewpoints to be represented at such negotiations. The United States also recognizes that some of the organizations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations.

President of U.S.
Communists.

(2) To this end, it is the sense of the Congress that the President, the Secretary of State, or other appropriate high-level United States officials should meet with the leaders of opposition organizations of South Africa, particularly but not limited to those organizations representing the black majority. Furthermore, the President, in concert with the major allies of the United States and other interested parties, should seek to bring together opposition political leaders with leaders of the Government of South Africa for the purpose of negotiations to achieve a transition to the post-apartheid democracy envisioned in this Act.

(b) The United States will encourage the Government of South Africa and all participants to the negotiations to respect the right of all South Africans to form political parties, express political opinions, and otherwise participate in the political process without fear of retribution by either governmental or nongovernmental organizations. It is the sense of the Congress that a suspension of violence is an essential precondition for the holding of negotiations. The United States calls upon all parties to the conflict to agree to a suspension of violence.

(c) The United States will work toward the achievement of agreement to suspend violence and begin negotiations through coordinated actions with the major Western allies and with the governments of the countries in the region.

Great Britain.
Canada.
France.
Italy.
Japan.
West Germany.

(d) It is the sense of the Congress that the achievement of an agreement for negotiations could be promoted if the United States and its major allies, such as Great Britain, Canada, France, Italy, Japan, and West Germany, would hold a meeting to develop a four-point plan to discuss with the Government of South Africa a proposal for stages of multilateral assistance to South Africa in return for the Government of South Africa implementing—

Nelson Mandela.

(1) an end to the state of emergency and the release of the political prisoners, including Nelson Mandela;

African National Congress.
Pan African Congress.
Black Consciousness Movement.

(2) the unbanning of the African National Congress, the Pan African Congress, the Black Consciousness Movement, and all other groups willing to suspend terrorism and to participate in negotiations and a democratic process;

(3) a revocation of the Group Areas Act and the Population Registration Act and the granting of universal citizenship to all South Africans, including homeland residents; and

100 STAT. 1093

(4) the use of the international offices of a third party as an intermediary to bring about negotiations with the object of the establishment of power-sharing with the black majority.

POLICY TOWARD INTERNATIONAL COOPERATION ON MEASURES TO END APARTHEID

22 USC 5017.

SEC. 107. (a) The Congress finds that—

(1) international cooperation is a prerequisite to an effective anti-apartheid policy and to the suspension of terrorism in South Africa; and

(2) the situation in South Africa constitutes an emergency in international relations and that action is necessary for the protection of the essential security interests of the United States.

(b) Accordingly, the Congress urges the President to seek such cooperation among all individuals, groups, and nations.

POLICY TOWARD NECKLACING

African National Congress.
22 USC 5018.

SEC. 108. It is the sense of the Congress that the African National Congress should strongly condemn and take effective actions against the execution by fire, commonly known as "necklacing", of any person in any country.

UNITED STATES AMBASSADOR TO MEET WITH NELSON MANDELA

Nelson Mandela.
22 USC 5019.

SEC. 109. It is the sense of the Senate that the United States Ambassador should promptly make a formal request to the South African Government for the United States Ambassador to meet with Nelson Mandela.

POLICY TOWARD THE RECRUITMENT AND TRAINING OF BLACK SOUTH AFRICANS BY UNITED STATES EMPLOYERS

SEC. 110. (a) The Congress finds that—

22 USC 5020.

(1) the policy of apartheid is abhorrent and morally repugnant;

(2) the United States believes strongly in the principles of democracy and individual freedoms;

(3) the United States endorses the policy of political participation of all citizens;

(4) a free, open, and vital economy is a primary means for achieving social equality and economic advancement for all citizens; and

(5) the United States is committed to a policy of securing and enhancing human rights and individual dignity throughout the world.

(b) It is the sense of the Congress that United States employers operating in South Africa are obliged both generally to actively oppose the policy and practices of apartheid and specifically to engage in recruitment and training of black and colored South Africans for management responsibilities.

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

SCHOLARSHIPS FOR THE VICTIMS OF APARTHEID

22 USC 2151c.

SEC. 201. (a) Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

Education.
Schools and colleges.

(2) by adding at the end thereof the following new paragraph:

"(2)(A)(i) Of the amounts authorized to be appropriated to carry out this section for the fiscal years 1987, 1988, and 1989, not less than $4,000,000 shall be used in each such fiscal year to finance education, training, and scholarships for the victims of apartheid, including teachers and other educational professionals, who are attending universities and colleges in South Africa. Amounts available to carry out this subparagraph shall be provided in accordance with the provisions of section 802(c) of the International Security and Development Cooperation Act of 1985.

99 Stat. 260.

22 USC 2346.

"(ii) Funds made available for each such fiscal year for purposes of chapter 4 of part II of this Act may be used to finance such education, training, and scholarships in lieu of an equal amount made available under this subparagraph.

"(B)(i) In addition to amounts used for purposes of subparagraph (A), the agency primarily responsible for administering this part, in collaboration with other appropriate departments or agencies of the

United States, shall use assistance provided under this section or chapter 4 of part II of this Act to finance scholarships for students pursuing secondary school education in South Africa. The selection of scholarship recipients shall be by a nationwide panel or by regional panels appointed by the United States chief of diplomatic mission to South Africa.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act for the fiscal years 1987, 1988, and 1989, up to an aggregate of $1,000,000 may be used in each such fiscal year for purposes of this subparagraph.

"(C)(i) In addition to the assistance authorized in subparagraph (A), the agency primarily responsible for administering this part shall provide assistance for inservice teacher training programs in South Africa through such nongovernmental organizations as TOPS or teachers' unions.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act, up to an aggregate of $500,000 for the fiscal year 1987 and up to an aggregate of $1,000,000 for the fiscal year 1988 may be used for purposes of this subparagraph, subject to standard procedures for project review and approval.".

22 USC 2151 note.
22 USC 2151o.

(b) The Foreign Assistance Act of 1961 is amended by inserting after section 116 the following new section:

"SEC. 117. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.—In providing assistance under this chapter or under chapter 4 of part II of this Act for disadvantaged South Africans, priority shall be given to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis, and which have the support of the disadvantaged communities being served. The measure of this community support shall be the willingness of a substantial number of disadvantaged persons to participate in activities sponsored by these organizations. Such organizations to which such assistance may be provided include the Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of the University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which do not receive funds from the Government of South Africa.".

100 STAT. 1095

HUMAN RIGHTS FUND

22 USC 2151n.

SEC. 202. (a) Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984,"; and

(2) by inserting after "1985" a comma and the following: "and $1,500,000 for the fiscal year 1986 and for each fiscal year thereafter".

(b) Section 116 of such Act is amended by adding at the end thereof the following new subsection:

"(f)(1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than $500,000 shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies such as—

"(A) removal of black populations from certain geographic areas on account of race or ethnic origin,

"(B) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

"(C) residence restrictions based on race or ethnic origin,

Employment and unemployment.

"(D) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

Housing.

"(E) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

Grants.

"(2)(A) No grant under this subsection may exceed $100,000.

"(B) The average of all grants under this paragraph made in any fiscal year shall not exceed $70,000.

"(g) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, $175,000 shall be used for direct assistance to families of victims of violence such as 'necklacing' and other such inhumane acts. An additional $175,000 shall be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, constructive means.".

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

22 USC 5031.

SEC. 203. (a) The Congress declares that—

(1) the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

100 STAT. 1096

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses,

is an affront to the values of a free society.

(b) The Congress hereby—

Post, p. 1097.

(1) applauds the commitment of nationals of the United States adhering to the Code of Conduct to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

Business and industry.

(c) Notwithstanding any other provision of law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans.

EXPORT-IMPORT BANK OF THE UNITED STATES

12 USC 635.

SEC. 204. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

Business and industry.

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (c) of subparagraph (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans.".

LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

Employment and unemployment.
22 USC 5032.

SEC. 205. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their long-term employment services on behalf of the United States Government, and

Contracts.

(3) for the employment services of South Africans arranged by contract,

should represent the best of labor practices in the United States and should serve as a model for the labor practices of nationals of the United States in South Africa.

Post, p. 1097.

100 STAT. 1097

(b) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take, without regard to any provision of law, the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the Code of Conduct. Nothing in this section shall be construed to grant any employee of the United States the right to strike.

WELFARE AND PROTECTION OF VICTIMS OF APARTHEID BY THE UNITED STATES

Real property.
Housing.
22 USC 5033.

SEC. 206. (a) The Secretary of State shall acquire, through lease or purchase, residential properties in the Republic of South Africa that shall be made available, at rents that are equitable, to assist victims of apartheid who are employees of the United States Government in obtaining adequate housing. Such properties shall be acquired only in neighborhoods which would be open to occupancy by other employees of the United States Government in South Africa.

Appropriation authorization.

(b) There are authorized to be appropriated $10,000,000 for the fiscal year 1987 to carry out the purposes of this section.

EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

22 USC 5034.

SEC. 207. (a) Any national of the United States that employs more than 25 persons in South Africa shall take the necessary steps to insure that the Code of Conduct is implemented.

Infra.
Exports.

(b) No department or agency of the United States may intercede with any foreign government or foreign national regarding the export marketing activities in any country of any national of the United States employing more than 25 persons in South Africa that is not implementing the Code of Conduct.

CODE OF CONDUCT

22 USC 5035.

SEC. 208. (a) The Code of Conduct referred to in sections 203, 205, 207, and 603 of this Act is as follows:

(1) desegregating the races in each employment facility;

(2) providing equal employment opportunity for all employees without regard to race or ethnic origin;

(3) assuring that the pay system is applied to all employees without regard to race or ethnic origin;

(4) establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;

(5) increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;

(6) taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health; and

(7) implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(b) It is the sense of the Congress that in addition to the principles enumerated in subsection (a), nationals of the United States subject to section 207 should seek to comply with the following principle: taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

100 STAT. 1098 (1) supporting the unrestricted rights of black businesses to locate in urban areas;

(2) influencing other companies in South Africa to follow the standards of equal rights principles;

(3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment; and

(4) supporting the rescission of all apartheid laws.

President of U.S.

(c) The President may issue additional guidelines and criteria to assist persons who are or may be subject to section 207 in complying with the principles set forth in subsection (a) of this section. The President may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

President of U.S.

(d) The President may require all nationals of the United States referred to in section 207 to register with the United States Government.

President of U.S.
Contracts.

(e) Notwithstanding any other provision of law, the President may enter into contracts with one or more private organizations or individuals to assist in implementing this section.

PROHIBITION ON ASSISTANCE

22 USC 5036.

SEC. 209. No assistance may be provided under this Act to any group which maintains within its ranks any individual who has been found to engage in gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

22 USC 2304.

USE OF THE AFRICAN EMERGENCY RESERVE

President of U.S.
22 USC 5037.

SEC. 210. Whenever the President determines that such action is necessary or appropriate to meet food shortages in southern Africa, the President is authorized to utilize the existing, authorized, and funded reserve entitled the "Emergency Reserve for African Famine Relief" to provide food assistance and transportation for that assistance.

PROHIBITION ON ASSISTANCE TO ANY PERSON OR GROUP ENGAGING IN "NECKLACING"

22 USC 5038.
22 USC 2151 note.

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law to any individual, group, organization, or member thereof, or entity that directly or indirectly engages in, advocates, supports, or approves the practice of execution by fire, commonly known as "necklacing".

PARTICIPATION OF SOUTH AFRICA IN AGRICULTURAL EXPORT CREDIT AND PROMOTION PROGRAMS

22 USC 5039.

SEC. 212. Notwithstanding any other provision of this Act or any other provision of law, the Secretary of Agriculture may permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels, and
100 STAT. 1099 under similar terms and conditions, as other countries that have traditionally purchased United States agricultural commodities and the products thereof.

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

PROHIBITION ON THE IMPORTATION OF KRUGERRANDS

Banks and banking.
22 USC 5051.

SEC. 301. No person, including a bank, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

PROHIBITION ON THE IMPORTATION OF MILITARY ARTICLES

SEC. 302. No arms, ammunition, or military vehicles produced in South Africa or any manufacturing data for such articles may be imported into the United States. 22 USC 5052.

PROHIBITION ON THE IMPORTATION OF PRODUCTS FROM PARASTATAL ORGANIZATIONS

Agriculture and agricultural products. Defense and national security. 22 USC 5053.

SEC. 303. (a) Notwithstanding any other provision of law, no article which is grown, produced, manufactured by, marketed, or otherwise exported by a parastatal organization of South Africa may be imported into the United States, (1) except for agricultural products during the 12-month period from the date of enactment; and (2) except for those strategic minerals for which the President has certified to the Congress that the quantities essential for the economy or defense of the United States are unavailable from reliable and secure suppliers and except for any article to be imported pursuant to a contract entered into before August 15, 1986: *Provided*, That no shipments may be received by a national of the United States under such contract after April 1, 1987.

(b) For purposes of this section, the term "parastatal organization" means a corporation or partnership owned or controlled or subsidized by the Government of South Africa, but does not mean a corporation or partnership which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.

PROHIBITION ON COMPUTER EXPORTS TO SOUTH AFRICA

SEC. 304. (a) No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use by any of the following entities of the Government of South Africa: 22 USC 5054.

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

(5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research.

(6) The administering authorities for controlling the movements of the victims of apartheid.

(7) Any apartheid enforcing agency.

(8) Any local, regional, or homelands government entity which performs any function of any entity described in paragraphs (1) through (7).

(b)(1) Computers, computer software, and goods or technology intended to service computers may be exported, directly or indirectly, to or for use by an entity of the Government of South Africa other than those set forth in subsection (a) only if a system of end use verification is in effect to ensure that the computers involved will not be used for any function of any entity set forth in subsection (a).

(2) The Secretary of Commerce may prescribe such rules and regulations as may be necessary to carry out this section. Regulations.

PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH AFRICA

SEC. 305. (a) No national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa. 22 USC 5055.

(b) The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit for any education, housing, or humanitarian benefit which—

(A) is available to all persons on a nondiscriminatory basis; or

(B) is available in a geographic area accessible to all population groups without any legal or administrative restriction; or

(2) a loan or extension of credit for which an agreement is entered into before the date of enactment of this Act.

PROHIBITION ON AIR TRANSPORTATION WITH SOUTH AFRICA

President of U.S.
22 USC 5056.

SEC. 306. (a)(1) The President shall immediately notify the Government of South Africa of his intention to suspend the rights of any air carrier designated by the Government of South Africa under the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, to service the routes provided in the Agreement.

61 Stat. 3057.
President of U.S.

(2) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of South Africa under the Agreement to provide service pursuant to the Agreement.

President of U.S.

(3) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation not to permit or otherwise designate any United States air carrier to provide service between the United States and South Africa pursuant to the Agreement.

(b)(1) The Secretary of State shall terminate the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, in accordance with the provisions of that agreement.

100 STAT. 1101

(2) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals from engaging in air transportation with respect to the United States.

State and local governments.

(3) The Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

Safety.

(c) The Secretary of Transportation may provide for such exceptions from the prohibition contained in subsection (a) or (b) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(d) For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

49 USC app. 1301.

PROHIBITIONS ON NUCLEAR TRADE WITH SOUTH AFRICA

Exports.
Science and technology.
22 USC 5057.
42 USC 2139.

SEC. 307. (a) Notwithstanding any other provision of law—

(1) the Nuclear Regulatory Commission shall not issue any license for the export to South Africa of production or utilization facilities, any source or special nuclear material or sensitive nuclear technology, or any component parts, items, or substances which the Commission has determined, pursuant to section 109b. of the Atomic Energy Act, to be especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes;

42 USC 2139a.

(2) the Secretary of Commerce shall not issue any license for the export to South Africa of any goods or technology which have been determined, pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, to be of significance for nuclear explosive purposes for use in, or judged by the President to be likely to be diverted to, a South African production or utilization facility;

(3) the Secretary of Energy shall not, under section 57b.(2) of

the Atomic Energy Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa; and

42 USC 2077.

(4) no goods, technology, source or special nuclear material, facilities, components, items, or substances referred to in clauses (1) through (3) shall be approved by the Nuclear Regulatory Commission or an executive branch agency for retransfer to South Africa,

unless the Secretary of State determines and certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of South Africa is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, or otherwise maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, as defined in the Nuclear Non-Proliferation Act of 1978.

21 UST 483.

22 USC 3201 note.

(b) Nothing in this section shall preclude—

(1) any export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission or the Department of Commerce or the Department of Energy; or

Exports.

(2) assistance for the purpose of developing or applying International Atomic Energy Agency or United States bilateral safeguards, for International Atomic Energy Agency programs generally available to its member states, for reducing the use of highly enriched uranium in research or test reactors, or for other technical programs for the purpose of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities envisaged by section 223 of the Nuclear Waste Policy Act of 1982 or which are necessary for humanitarian reasons to protect the public health and safety.

Research and development.
Health and medical care.
Safety.

100 STAT. 1102

42 USC 10203.

(c) The prohibitions contained in subsection (a) shall not apply with respect to a particular export, retransfer, or activity, or a group of exports, retransfers, or activities, if the President determines that to apply the prohibitions would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security of the United States and, if at least 60 days before the initial export, retransfer, or activity is carried out, the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth that determination, together with his reasons therefor.

Exports.
Defense and national security.
President of U.S.

GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS

SEC. 308. (a) A United States depository institution may not accept, receive, or hold a deposit account from the Government of South Africa or from any agency or entity owned or controlled by the Government of South Africa except for such accounts which may be authorized by the President for diplomatic or consular purposes. For purposes of the preceding sentence, the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

22 USC 5058.

12 USC 461.

(b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

Effective date.

PROHIBITION ON IMPORTATION OF URANIUM AND COAL FROM SOUTH AFRICA

SEC. 309. (a) Notwithstanding any other provision of law, no—

22 USC 5059.

(1) uranium ore,
(2) uranium oxide,
(3) coal, or
(4) textiles,

that is produced or manufactured in South Africa may be imported into the United States.

(b) This section shall take effect 90 days after the date of enactment of this Act.

Effective date.

PROHIBITION ON NEW INVESTMENT IN SOUTH AFRICA

22 USC 5060.

SEC. 310. (a) No national of the United States may, directly or through another person, make any new investment in South Africa.

Effective date.

(b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

(c) The prohibition contained in this section shall not apply to a firm owned by black South Africans.

100 STAT. 1103

TERMINATION OF CERTAIN PROVISIONS

22 USC 5061.

SEC. 311. (a) This title and sections 501(c) and 504(b) shall terminate if the Government of South Africa—

Nelson Mandela.

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

President of U.S.

(b) The President may suspend or modify any of the measures required by this title or section 501(c) or section 504(b) thirty days after he determines, and so reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that the Government of South Africa has—

(1) taken the action described in paragraph (1) of subsection (a),

(2) taken three of the four actions listed in paragraphs (2) through (5) of subsection (a), and

(3) made substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy,

unless the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution disapproving the determination of the President under this subsection.

African National Congress.
Pan African Congress.

(c) It is the policy of the United States to support the negotiations with the representatives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits itself to a free and democratic post-apartheid South Africa under a code of law; and if nonetheless the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

(1) refuse to abandon unprovoked violence during such negotiations; and

(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law,

then the United States will support negotiations which do not include these organizations.

POLICY TOWARD VIOLENCE OR TERRORISM

~~22 USC 5062.~~

SEC. 312. (a) United States policy toward violence in South Africa shall be designed to bring about an immediate end to such violence and to promote negotiations concluding with a removal of the system of apartheid and the establishment of a non-racial democracy in South Africa.

100 STAT. 1104

(b) The United States shall work toward this goal by diplomatic and other measures designed to isolate those who promote terrorist attacks on unarmed civilians or those who provide assistance to individuals or groups promoting such activities.

(c) The Congress declares that the abhorrent practice of "necklacing" and other equally inhumane acts which have been practices in South Africa by blacks against fellow blacks are an affront to all throughout the world who value the rights of individuals to live in an atmosphere free from fear of violent reprisals.

TERMINATION OF TAX TREATY AND PROTOCOL

22 USC 5063.

SEC. 313. The Secretary of State shall terminate immediately the following convention and protocol, in accordance with its terms, the Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

3 UST 3821.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

Contracts.
22 USC 5064.

SEC. 314. On or after the date of enactment of this Act, no department, agency or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

22 USC 5065.

SEC. 315. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO, INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

22 USC 5066.

SEC. 316. None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in South Africa and for participation in exhibitions and trade fairs in South Africa.

PROHIBITION ON SALE OR EXPORT OF ITEMS ON MUNITIONS LIST

22 USC 5067.

SEC. 317. (a) Except as provided in subsection (b), no item contained on the United States Munition List which is subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any item which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and which the President determines is exported solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

100 STAT. 1105

President of U.S.
Reports.

(c) The President shall prepare and submit to Congress every six months a report describing any license issued pursuant to subsection (b).

MUNITIONS LIST SALES, NOTIFICATION

President of U.S.
Exports.
22 USC 5068.

SEC. 318. (a) Notwithstanding any other provision of this Act, the President shall:

(i) notify the Congress of his intent to allow the export to South Africa any item which is on the United States Munition List and which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and

(ii) certify that such item shall be used solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

Congress.

(b) The Congress shall have 30 calendar days of continuous session (computed as provided in section 906(b) of title 5, United States Code) to disapprove by joint resolution of any such sale.

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

22 USC 5069.

SEC. 319. Notwithstanding any other provision of law, no:

(1) agricultural commodity, product, byproduct of derivitive thereof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF IRON AND STEEL

22 USC 5070.

SEC. 320. Notwithstanding any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

22 USC 5071.

SEC. 321. (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

PROHIBITION ON COOPERATION WITH THE ARMED FORCES OF SOUTH AFRICA

22 USC 5072.

SEC. 322. No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947.

50 USC 413.

PROHIBITIONS ON SUGAR IMPORTS

22 USC 5073.

SEC. 323. (a)(1) Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of the Republic of

100 STAT. 1106

South Africa may be imported into the United States after the date of enactment of this Act.

(2) The aggregate quantity of sugars, sirups, and molasses that—

Philippines.

(A) are products of the Philippines, and

(B) may be imported into the United States (determined without regard to this paragraph) under any limitation imposed by law on the quantity of all sugars, sirups, and molasses that may be imported into the United States during any period of time occurring after the date of enactment of this Act,

shall be increased by the aggregate quantity of sugars, sirups, and molasses that are products of the Republic of South Africa which may have been imported into the United States under such limitation during such period if this section did not apply to such period.

Tariff Schedules of the U.S.
19 USC 1202 and note.
Philippines.

(b)(1) Paragraph (c)(i) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—

(A) by striking out "13.5" in the item relating to the Philippines in the table and inserting in lieu thereof "15.8", and

(B) by striking out the item relating to the Republic of South Africa in the table.

(2) Paragraph (c) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this headnote—

Philippines.

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced, and

"(B) no allocation may be made to the Republic of South Africa,

in allocating any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered.".

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

NEGOTIATING AUTHORITY

International agreements. 22 USC 5081.

SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments. The net economic effect of such cooperative should be measurably greater than the net economic effect of the measures imposed by this Act.

(b)(1) Negotiations to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa on measures to bring about the complete dismantling of apartheid should begin promptly and should be concluded not later than 180 days from the enactment of this Act. During this period, the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

President of U.S.

President of U.S. Reports.

(2) The President shall, not less than 180 days after the date of enactment of this Act, submit to the Congress a report containing—

100 STAT. 1107

(A) a description of United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.

(c) If the President successfully concludes an international agreement described in subsection (b)(1), he may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of sections 301 through 310 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

President of U.S. Federal Register, publication.

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

President of U.S.

(2) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final legal text of such agreement, together with—

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the proposed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution approving such agreement has been enacted within 30 days of transmittal of such document to the Congress.

President of U.S.

(e) It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against South Africa of the same type as are imposed by this Act.

LIMITATION ON IMPORTS FROM OTHER COUNTRIES

President of U.S.
22 USC 5082.

SEC. 402. The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition against any national of the United States imposed by or under this Act.

PRIVATE RIGHT OF ACTION

Claims.
Securities.
22 USC 5083.

SEC. 403. (a) Any national of the United States who is required by this Act to terminate or curtail business activities in South Africa may bring a civil action for damages against any person, partnership, or corporation that takes commercial advantage or otherwise benefits from such termination or curtailment.

100 STAT. 1108

(b) The action described in subsection (a) may only be brought, without respect to the amount in controversy, in the United States district court for the District of Columbia or the Court of International Trade. Damages which may be recovered include lost profits and the cost of bringing the action, including a reasonable attorney's fee.

(c) The injured party must show by a preponderance of the evidence that the damages have been the direct result of defendant's action taken with the deliberate intent to injure the party.

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

ADDITIONAL MEASURES

22 USC 5091.

SEC. 501. (a) It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within twelve months of the date of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

President of U.S.
Reports.

(b) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within twelve months of the date of enactment of this Act, and every twelve months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) an assessment of the extent to which the Government of South Africa has taken the steps set forth in section 101(b) of this Act;

(2) an analysis of any other actions taken by the Government of South Africa in ending the system of apartheid and moving toward a nonracial democracy; and

(3) the progress, or lack of progress, made in reaching a negotiated settlement to the conflict in South Africa.

President of U.S.
Reports.
Imports.

(c) If the President determines that significant progress has not been made by the Government of South Africa in ending the system of apartheid and establishing a nonracial democracy, the President shall include in the report required by subsection (b) a recommendation on which of the following additional measures should be imposed:

(1) a prohibition on the importation of steel from South Africa;

Weapons.

(2) a prohibition on military assistance to those countries that the report required by section 508 identifies as continuing to

circumvent the international embargo on arms and military technology to South Africa;

(3) a prohibition on the importation of food, agricultural products, diamonds, and textiles from South Africa;

(4) a prohibition on United States banks accepting, receiving, or holding deposit accounts from South African nationals; and

Banks and banking.

(5) a prohibition on the importation into the United States of strategic minerals from South Africa.

(d) A joint resolution which would enact part or all of the measures recommended by the President pursuant to subsection (c) shall be considered in accordance with the provisions of section 602 of this Act.

LIFTING OF PROHIBITIONS

President of U.S.
Reports.
Imports.
22 USC 5092.

SEC. 502. (a) Notwithstanding any other provision of this Act, the President may lift any prohibition contained in this Act imposed against South Africa if the President determines, after six months from the date of the imposition of such prohibition, and so reports to Congress, that such prohibition would increase United States dependence upon any member country or observer country of the Council for Mutual Economic Assistance (C.M.E.A.) for the importation of coal or any strategic and critical material by an amount which exceeds by weight the average amounts of such imports from such country during the period 1981 through 1985.

Reports.

(b)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall prepare and transmit to the Congress a report setting forth for each country described in subsection (a)—

(A) the average amount of such imports from such country during the period of 1981 through 1985; and

(B) the current amount of such imports from such country entering the United States.

President of U.S.

(2) Thirty days after transmittal of the report required by paragraph (1) and every thirty days thereafter, the President shall prepare and transmit the information described in paragraph (1)(B).

STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS" AREAS OF SOUTH AFRICA

Reports.
22 USC 5093.

SEC. 503. The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1986, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

REPORT ON SOUTH AFRICAN IMPORTS

President of U.S.
22 USC 5094.

SEC. 504. (a) Not later than 90 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the extent to which the United States is dependent on the importation from South Africa of—

(1) chromium,

(2) cobalt,

(3) manganese,

(4) platinum group metals,

(5) ferroalloys, and

(6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

50 USC 98 *et seq.*

(b) The President shall develop a program which reduces the dependence, if any, of the United States on the importation from South Africa of the materials identified in the report submitted under subsection (a).

STUDY AND REPORT ON THE ECONOMY OF SOUTHERN AFRICA

President of U.S.
Commerce and trade.
Securities.
Transportation.
22 USC 5095.

SEC. 505. (a) The President shall conduct a study on the role of American assistance in southern Africa to determine what needs to be done, and what can be done to expand the trade, private investment, and transport prospects of southern Africa's landlocked nations.

President of U.S.
Reports.

100 STAT. 1110

(b) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

REPORT ON RELATIONS BETWEEN OTHER INDUSTRIALIZED DEMOCRACIES AND SOUTH AFRICA

President of U.S.
22 USC 5096.

SEC. 506. (a) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing a detailed assessment of the economic and other relationships of other industrialized democracies with South Africa. Such report shall be transmitted without regard to whether or not the President successfully concluded an international agreement under section 401.

(b) For purposes of this section, the phrase "economic and other relationships" includes the same types of matters as are described in sections 201, 202, 204, 205, 206, 207, sections 301 through 307, and sections 309 and 310 of this Act.

STUDY AND REPORT ON DEPOSIT ACCOUNTS OF SOUTH AFRICAN NATIONALS IN UNITED STATES BANKS

22 USC 5097.

SEC. 507. (a)(1) The Secretary of the Treasury shall conduct a study on the feasibility of prohibiting each depository institution from accepting, receiving, or holding a deposit account from any South African national.

(2) For purposes of paragraph (1), the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

12 USC 461.

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the findings of the study required by subsection (a).

STUDY AND REPORT ON THE VIOLATION OF THE INTERNATIONAL EMBARGO ON SALE AND EXPORT OF MILITARY ARTICLES TO SOUTH AFRICA

President of U.S.
22 USC 5098.

SEC. 508. (a) The President shall conduct a study on the extent to which the international embargo on the sale and exports of arms and military technology to South Africa is being violated.

(b) Not later than 179 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study required by subsection (a), including an identification of those countries engaged in such sale or export, with a view to terminating United States military assistance to those countries.

100 STAT. 1111

REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA

President of U.S.
Public information.
22 USC 5099.

SEC. 509. (a) Not later than 90 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate an unclassified version of a report, prepared with the assistance of the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the National Security Advisor, and other relevant United States Government officials in the intelligence community, which shall set forth the activities of the Communist Party in South Africa, the extent to which Communists have infiltrated the many black and nonwhite South African organizations engaged in the fight against the apartheid system, and the extent to which any such Communist infiltration or influence sets the policies and goals of the organizations with which they are involved.

(b) At the same time the unclassified report in subsection (a) is transmitted as set forth in that subsection, a classified version of the same report shall be transmitted to the chairmen of the Select Committee on Intelligence of the Senate and of the Permanent Select Committee on Intelligence of the House of Representatives.

Classified information.

PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS

Banks and banking.
22 USC 5100.

SEC. 510. (a) No person, including a bank, may import into the United States any gold coin minted in the Union of Soviet Socialist Republics or offered for sale by the Government of the Union of Soviet Socialist Republics.

(b) For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(c) Any individual who violates this section or any regulations issued to carry out this section shall be fined not more than five times the value of the rubles involved.

Law enforcement and crime.

ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS

SEC. 511 (a) Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

Commerce and trade.
Education.
Community development.
22 USC 2346d.

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a)(1) Up to $40,000,000 of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs.

"(2) Up to $3,000,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available for training programs for South Africa's trade unionists.

100 STAT. 1112

"(b) Assistance provided pursuant to the section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institutions.".

Education.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prepare and transmit to the Congress a report describing the strategy of the President during the five-year period beginning on such date regarding the assistance of black Africans pursuant to section 535 of the Foreign Assistance Act of 1961 and describing the programs and projects to be funded under such section.

Reports.
22 USC 2346d note.

Ante, p. 1111.

REPORT ON THE AFRICAN NATIONAL CONGRESS

22 USC 5101.

22 USC 611.

SEC. 512. (a) Not later than 180 days after the date of enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report on actual and alleged violations of the Foreign Agents Registration Act of 1938, and the status of any investigation pertaining thereto, by representatives of governments or opposition movements in Subsaharan Africa, including, but not limited to, members or representatives of the African National Congress.

(b) For purposes of conducting any investigations necessary in order to provide a full and complete report, the Attorney General shall have full authority to utilize civil investigative demand procedures, including but not limited to the issuance of civil subpenas.

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

REGULATORY AUTHORITY

President of U.S.
Regulations.
22 USC 5111.
50 USC 1701 note.
50 USC 1701 note.

SEC. 601. The President shall issue such rules, regulations, licenses, and orders as are necessary to carry out the provisions of this Act, including taking such steps as may be necessary to continue in effect the measures imposed by Executive Order 12532 of September 9, 1985, and Executive Order 12535 of October 1, 1985, and by any rule, regulation, license, or order issued thereunder (to the extent such measures are not inconsistent with this Act).

CONGRESSIONAL PRIORITY PROCEDURES

22 USC 5112.

SEC. 602. (a)(1) The provisions of this subsection apply to the consideration in the House of Representatives of a joint resolution under sections 311(b), 401(d), and 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Affairs of the House of Representatives.

(3)(A) At any time after the joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

100 STAT. 1113

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(b)(1) The provisions of this subsection apply to the consideration in the Senate of a joint resolution under section 311(b), 401(d), or 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Relations of the Senate.

(3) A joint resolution described in this section shall be considered in the Senate in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

98 Stat. 1935.

(A) references in such paragraphs to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate; and

(B) amendments to the joint resolution are in order.

(c) For purposes of this subsection, the term "joint resolution" means only—

(A) in the case of section 311(b), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the report described in section 311(b) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on   the report of the President containing the determination required by section 311(b) of the Comprehensive Anti-Apartheid Act of 1986, disapproves of such determination.", with the date of the receipt of the report inserted in the blank;

(B) in the case of section 401(d)(3), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the document described in section 401(d)(2) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on   the text of the international agreement described in section 401(d)(3) of the Comprehensive Anti-Apartheid Act of 1986, approves of such agreement.", with the date of the receipt of the text of the agreement inserted in the blank; and

(C) in the case of section 501(d), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the determination of the President pursuant to section 501(c) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on   a determination of the President under section 100 STAT. 1114 501(c) of the Comprehensive Anti-Apartheid Act of 1986, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

(d) As used in this section, the term "legislative day" means a day on which the House of Representatives or the Senate is in session, as the case may be.

(e) This section is enacted—

(1) as an exercise of the rulemaking powers of the House of Representatives and the Senate, and as such it is deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

ENFORCEMENT AND PENALTIES

President of U.S.
22 USC 5113.

SEC. 603. (a)(1) The President with respect to his authorities under section 601 shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders.

Records.
Reports.

(2) In ensuring such compliance, the President may—

(A) require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction described in this Act either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which a foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this Act; and

(B) conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) Except as provided in subsection (d)—

(1) any person that violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be subject to a civil penalty of $50,000;

(2) any person, other than an individual, that willfully violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000;

(3) any individual who willfully violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $50,000, or imprisoned not more than 10 years, or both; and

(4) any individual who violates section 301(a) or any regulations issued to carry out that section shall, instead of the penalty set forth in paragraph (2), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) Paragraph (1) shall not apply in the case of a violation by an individual of section 301(a) of this Act or of any regulation issued to carry out that section.

(3) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

Reports.

(d)(1) Any person who violates any regulation issued under section 208(d) or who, in a registration statement or report required by the Secretary of State, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall be subject to a civil penalty of not more than $10,000 imposed by the Secretary of State. The provisions of subsections (d), (e), and (f) of section 11 of the Export Administration Act of 1979 shall apply with respect to any such civil penalty.

50 USC app. 2410.

(2) Any person who commits a willful violation under paragraph (1) shall upon conviction be fined not more than $1,000,000 or imprisoned not more than 2 years, or both.

(3) Nothing in this section may be construed to authorize the imposition of any penalty for failure to implement the Code of Conduct.

Ante, p. 1097.

APPLICABILITY TO EVASIONS OF ACT

22 USC 5114.

SEC. 604. This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

CONSTRUCTION OF ACT

22 USC 5115.

SEC. 605. Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in this Act.

STATE OR LOCAL ANTI-APARTHEID LAWS, ENFORCE

22 USC 5116.
Ante, p. 749.

SEC. 606. Notwithstanding section 210 of Public Law 99-349 or any other provision of law—

(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any Federal law may be made, and

Contracts.

(2) no other penalty may be imposed by the Federal Government,

by reason of the application of any State or local law concerning apartheid to any contract entered into by a State or local government for 90 days after the date of enactment of this Act.

THOMAS S. FOLEY
Speaker pro tempore.

STROM THURMOND
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
September 29, 1986.

The House of Representatives having proceeded to reconsider the bill (H.R. 4868) entitled "An Act to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

BENJAMIN J. GUTHRIE
Clerk.

I certify that this Act originated in the House of Representatives.

BENJAMIN J. GUTHRIE
Clerk.

IN THE SENATE OF THE UNITED STATES,
October 2 (legislative day, September 24), 1986.

The Senate having proceeded to reconsider the bill (H.R. 4868) entitled "An Act to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

JO-ANNE L. COE
Secretary.

LEGISLATIVE HISTORY—H.R. 4868 (S. 2701):

HOUSE REPORTS: No. 99-638, Pt. 1 (Comm. on Foreign Affairs) and Pt. 2 (Comm. on Ways and Means).
SENATE REPORTS: No. 99-370 accompanying S. 2701 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 132 (1986):
  June 18, considered and passed House.
  Aug. 13, 14, S. 2701 considered in Senate.
  Aug. 15, S. 2701 considered in Senate; H.R. 4868 considered and passed Senate, amended.
  Sept. 12, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
  Oct. 2, Presidential veto message.
CONGRESSIONAL RECORD, Vol. 132 (1986):
  Sept. 29, House overrode veto.
  Oct. 2, Senate overrode veto.

Public Law 99-472
99th Congress

An Act

Oct. 15, 1986
[H.R. 5548]

To amend the Export-Import Bank Act of 1945.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Export-Import Bank Act Amendments of 1986.
12 USC 635 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Act Amendments of 1986".

SEC. 2. FEES.

12 USC 635.

Section 2(a)(1) of the Export-Import Bank Act of 1945 is amended by inserting after the fifth sentence thereof the following: "The Bank may impose and collect reasonable fees to cover the costs of conferences and seminars sponsored by, and publications provided by, the Bank. Amounts received under the preceding sentence shall be credited to the fund which initially paid for such activities.".

SEC. 3. CREDIT APPLICATION FEES.

Post, p. 1201.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by inserting after the third sentence the following: "The Bank may not impose a credit application fee unless (i) the fee is competitive with the average fee charged by the Bank's primary foreign competitors, and (ii) the borrower or the exporter is given the option of paying the fee at the outset of the loan or over the life of the loan and the present value of the fee determined under either such option is the same amount.".

SEC. 4. ENHANCEMENT OF MEDIUM-TERM PROGRAM.

Section 2(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)) is amended by adding at the end thereof the following new paragraph:

"(3) ENHANCEMENT OF MEDIUM-TERM PROGRAM.—

"(A) IN GENERAL.—To enhance the medium-term financing program established pursuant to paragraph (2), the Bank shall establish measures to—

"(i) improve the competitiveness of the Bank's medium-term financing and ensure that its medium-term financing is fully competitive with that of other major official export credit agencies;

"(ii) ease the administrative burdens and procedural and documentary requirements imposed on the users of medium-term financing;

"(iii) attract the widest possible participation of private financial institutions and other sources of private capital in the medium-term financing of United States exports; and

"(iv) render the Bank's medium-term financing as supportive of United States exports as is its Direct Loan Program.

"(B) REPORT REQUIRED.—Not later than April 15, 1988, the Bank shall transmit a report to the Congress analyzing the measures adopted to enhance medium-term financing.".

SEC. 5. COMPETITIVENESS MANDATE.

Ante, p. 1200.

The second sentence of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 is amended by striking out "equivalent" and inserting in lieu thereof "identical in all respects".

SEC. 6. MULTIPLE-EXPORTER RISK PROTECTION.

12 USC 635.

Section 2(b)(1)(E) of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new clause:

"(ix) The Bank shall provide, through creditworthy trade associations, export trading companies, State export finance companies, export finance cooperatives, and other multiple-exporter organizations, medium-term risk protection coverage for the members and clients of such organizations. Such coverage shall be made available to each such organization under a single risk protection policy covering its members or clients. Nothing in this provision shall be interpreted as limiting the Bank's authority to deny support for specific transactions or to disapprove a request by such an organization to participate in such coverage.".

SEC. 7. PROGRAM ACCESS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new subparagraph:

"(G) Participation in or access to long-, medium-, and short-term financing, guarantees, and insurance provided by the Bank shall not be denied solely because the entity seeking participation or access is not a bank or is not a United States person.". Insurance.

SEC. 8. PROHIBITION ON AID TO MARXIST-LENINIST COUNTRIES.

Section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)) is amended to read as follows:

"(2) Prohibition on Aid to Marxist-Leninist Countries.—

"(A) In general.—The Bank in the exercise of its functions shall not guarantee, insure, extend credit, or participate in the extension of credit—

"(i) in connection with the purchase or lease of any product by a Marxist-Leninist country, or agency or national thereof; or

"(ii) in connection with the purchase or lease of any product by any other foreign country, or agency or national thereof, if the product to be purchased or leased by such other country, agency, or national is, to the knowledge of the Bank, principally for use in, or sale or lease to, a Marxist-Leninist country.

"(B) Marxist-leninist country defined.—

"(i) In general.—For the purposes of this paragraph, the term 'Marxist-Leninist country' means any country which—

"(I) maintains a centrally planned economy based on the principles of Marxist-Leninism, or

"(II) is economically and militarily dependent on the Union of Soviet Socialist Republics or on any other Marxist-Leninist country. 100 STAT. 1202

"(ii) Specific countries deemed to be marxist-leninist.—Unless otherwise determined by the President in the manner provided in subparagraph (C), the following countries are deemed to be Marxist-Leninist countries for purposes of this paragraph:

"Cambodian People's Republic.
"Cooperative Republic of Guyana.
"Czechoslovak Socialist Republic.
"Democratic People's Republic of Korea.
"Democratic Republic of Afghanistan.
"Estonia.
"German Democratic Republic.
"Hungarian People's Republic.
"Lao People's Democratic Republic.
"Latvia.
"Lithuania.
"Mongolian People's Republic.
"People's Democratic Republic of Yemen.
"People's Republic of Albania.
"People's Republic of Angola.
"People's Republic of Benin.
"People's Republic of Bulgaria.
"People's Republic of China.
"People's Republic of the Congo.
"People's Republic of Mozambique.
"Polish People's Republic.

"Republic of Cuba.
"Republic of Nicaragua.
"Socialist Ethiopia.
"Socialist Federal Republic of Yugoslavia.
"Socialist Republic of Romania.
"Socialist Republic of Vietnam.
"Surinam.
"Tibet.
"Union of Soviet Socialist Republics (including its captive constituent republics).

"(C) PRESIDENTIAL DETERMINATION THAT A COUNTRY HAS CEASED TO BE MARXIST-LENINIST.—If the President determines that any country on the list contained in subparagraph (B)(ii) has ceased to be a Marxist-Leninist country (within the definition of such term in subparagraph (B)(i)), such country shall not be treated as a Marxist-Leninist country for purposes of this paragraph after the date of such determination, unless the President subsequently determines that such country has again become a Marxist-Leninist country.".

"(D) PRESIDENTIAL DETERMINATION RELATING TO FINANCING IN THE NATIONAL INTEREST.—

Insurance.

"(i) IN GENERAL.—Subparagraph (A) shall not apply to guarantees, insurance, or extensions of credit by the Bank to a country, agency, or national described in clause (i) or (ii) of subparagraph (A) (in connection with transactions described in such clauses) if the President determines that such guarantees, insurance, or extensions of credit are in the national interest.

Loans.

"(ii) SEPARATE DETERMINATION FOR CERTAIN TRANSACTIONS.—The President shall make a separate determination under clause (i) for each transaction described in clause (i) or (ii) of subparagraph (A) for which the Bank would extend a loan in an amount equal to or greater than $50,000,000.

100 STAT. 1203

"(iii) REPORT OF CLAUSE (i) DETERMINATIONS TO CONGRESS.—Any determination by the President under clause (i) shall be reported to the Congress not later than the earlier of—

"(I) the end of the 30-day period beginning on the date of such determination; or

"(II) the date the Bank takes final action with respect to the first transaction involving the country, agency, or national for which such determination is made after the date of the enactment of the Export-Import Bank Amendments of 1974, unless a report of a determination with respect to such country, agency, or national was made and reported before such date of enactment.

12 USC 635 note.

"(iv) REPORT OF CLAUSE (ii) DETERMINATIONS TO CONGRESS.—Any determination by the President under clause (ii) shall be reported to the Congress not later than the earlier of—

"(I) the end of the 30-day period beginning on the date of such determination; or

"(II) the date the Bank takes final action with respect to the transaction for which such determination is made.".

SEC. 9. PROHIBITION ON AID TO ANGOLA.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end thereof the following new paragraph:

Agriculture and agricultural commodities.

"(11) PROHIBITION RELATING TO ANGOLA.—Notwithstanding any determination by the President under paragraph (2), the Bank may not guarantee, insure, or extend credit (or participate in the extension of credit) in connection with any export of goods or services, except food or agricultural commodities, to the People's Republic of Angola until the President certifies to the Congress that no combatant forces or military advisors of the Republic of Cuba or of any other Marxist-Leninist country (as such term is defined in paragraph (2)(B)) remain in Angola.".

SEC. 10. TRANSFERABILITY OF GUARANTEES.

Section 2(c) of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new paragraph:

"(3) TRANSFERABILITY OF GUARANTEES.—With respect to medium-term and long-term obligations insured or guaranteed by the Bank after the date of the enactment of the Export-Import Bank Act Amendments of 1986, the Bank shall authorize the unrestricted transfer of such obligations by the originating lenders or their transferees to other lenders without affecting, limiting, or terminating the guarantee or insurance provided by the Bank.".

SEC. 11. PROHIBITION AGAINST CERTAIN TRANSACTIONS.

Section 2 of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(e) LIMITATION ON ASSISTANCE WHICH ADVERSELY AFFECT THE UNITED STATES.—

"(1) IN GENERAL.—The Bank may not extend any direct credit or financial guarantee for establishing or expanding production of any commodity for export by any country other than the United States, if—

"(A) the Bank determines that—

"(i) the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative; or

"(ii) the resulting production capacity is expected to compete with United States production of the same, similar, or competing commodity; and

"(B) the Bank determines that the extension of such credit or guarantee will cause substantial injury to United States producers of the same, similar, or competing commodity.

"(2) EXCEPTION.—Paragraph (1) shall not apply in any case where, in the judgment of the Board of Directors of the Bank, the short- and long-term benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.".

SEC. 12. IMPACT ANALYSIS.

Loans.
12 USC 635a-2.

Section 1911 of the Export-Import Bank Act Amendments of 1978 is amended by adding at the end thereof the following: "In all cases to which this section applies, the Bank shall consider and address in writing the views of parties or persons who may be substantially adversely affected by the loan or guarantee prior to taking final action on the loan or guarantee. This requirement does not subject the Bank to the provisions of subchapter II of chapter 5 of title 5, United States Code.".

5 USC 5311.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

12 USC 635e.
Post, p. 1205.

Section 7(a) of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new paragraph:

Loans.

"(3) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated $145,259,000 for fiscal year 1987 to cover the subsidy cost of new direct loans obligated by the Bank in that fiscal year. Any amounts appropriated under this paragraph shall be permanent additions to the capital and reserves of the Bank.".

SEC. 14. EXTENSION OF CHARTER.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1992".

SEC. 15. MATCHING FOREIGN OFFICIAL EXPORT CREDITS IN THE UNITED STATES.

(a) IN GENERAL.—Section 1912(b) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(b)) is amended to read as follows:

Insurance.

"(b) The Secretary of the Treasury shall issue such authorization to the Bank to provide guarantees, insurance, and credits to competing United States sellers, unless the Secretary determines that—

"(1) the availability of foreign official noncompetitive financing is not likely to be a significant factor in the sale; or

100 STAT. 1205

"(2) the foreign noncompetitive financing has been withdrawn.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1912(a)(1) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(a)(1)) is amended by inserting "irrespective of whether these credits are being offered by governments which are signatories to such standstills, minutes, or practices," after "major export countries have agreed,".

SEC. 16. REPORT ON ROLE OF PRIVATE INSURANCE.

Not later than October 1, 1987, the Export-Import Bank of the United States and the Office of Management and Budget shall jointly prepare and transmit to the Congress, and the General Accounting Office shall prepare and transmit to the Congress, reports analyzing—

(1) the need for United States Government involvement in export credit insurance, considering the current activities of private insurance companies in this area, private insurance industry trends over the longer term, and ways in which private insurance companies can be encouraged by the Bank to maximize export credit insurance activities;

(2) the need to employ an agent in administering government-supported insurance programs which are determined to be necessary; and

(3) the efficiency and effectiveness of continuing to utilize the Foreign Credit Insurance Association as the Bank's agent (including an analysis of the administrative and economic cost to the government and the Bank of maintaining the Foreign Credit Insurance Association).

SEC. 17. CONFORMING AMENDMENT RELATING TO CREDIT AUTHORITY.

Ante, p. 1204.

The second sentence of section 7(a) of the Export-Import Bank Act of 1945 is amended by inserting "and credit" immediately after the words "All spending".

SEC. 18. DIRECTORS' TERMS.

Section 3(c)(8) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(8)) is amended by adding at the end thereof the following new subparagraph:

"(E) Any director whose term has expired may continue to serve on the Board of Directors until the earlier of—

"(i) the date on which such director's successor is qualified; or

"(ii) the end of the 6-month period beginning on the date such director's term expires.".

Grants.
12 USC 635i-3.
12 USC 635 note.

SEC. 19. TIED AID CREDIT WAR CHEST.

The Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new section:

"SEC. 15. TIED AID CREDIT PROGRAM AND FUND.

"(a) FINDINGS.—The Congress finds that—

"(1) tied aid and partially untied aid credits offered by other countries are a predacious method of financing exports because of their market-distorting effects;

"(2) these distortions have caused the United States to lose export sales, with resulting losses in economic growth and employment;

100 STAT. 1206

"(3) these practices undermine market mechanisms that would otherwise result in export purchase decisions made on the basis of price, quality, delivery, and other factors directly related to the export, where official financing is not subsidized and would be a neutral factor in the transaction;

"(4) support of commercial exports by donor countries with tied aid and partially untied aid credits impedes the growth of developing countries because it diverts development assistance funds from essential developmental purposes; and

"(5) there should be established in the Bank a temporary tied aid program to target the export markets of those countries which make extensive use of tied aid or partially untied aid credits for commercial advantage for the purpose of facilitating the negotiation of a comprehensive international arrangement restricting the use of tied aid and partially untied aid credits for commercial purposes, and such program should be aggressively used until such an arrangement is established.

"(b) ESTABLISHMENT OF TIED AID CREDIT PROGRAM.—

"(1) IN GENERAL.—For the purpose of facilitating the negotiation of a comprehensive international arrangement restricting the use of tied aid and partially untied aid credits for commercial purposes, the Bank shall establish a tied aid credit program under which grants shall be made from funds available in the Tied Aid Credit Fund established under subsection (c)—

"(A) to supplement the financing of a United States export when there is a reasonable expectation that predacious financing will be provided by another country for a sale by a competitor of the United States exporter with respect to such export;

"(B) to supplement the financing of United States exports to foreign markets which are actual or potential export markets for any country which the Bank determines—

"(i) engages in predacious official export financing through the use of tied aid or partially untied aid credits; and

"(ii) impedes negotiations to eliminate the use of such credits for commercial purposes; or

"(C) to supplement the financing of United States exports under such other circumstances as the Bank may determine to be appropriate for carrying out the purposes of this section.

"(2) ADMINISTRATION OF PROGRAM.—The tied aid credit program shall be administered by the Bank—

"(A) in consultation with the Secretary of the Treasury and in accordance with the Secretary's recommendations on how such credits could be used most effectively and efficiently to promote the negotiation of a comprehensive international arrangement restricting the use of tied aid and partially untied aid credits for commercial purposes;

"(B) in cooperation with private financial institutions or entities, as appropriate; and

"(C) in consultation with the National Advisory Council on International Monetary and Financial Policies.

"(3) COORDINATION WITH OTHER EXPORT FINANCING.—Under the tied aid credit program, the Bank may combine grants from the Tied Aid Credit Fund with—

100 STAT. 1207

Insurance.

"(A) any guarantee, insurance, or other extension of credit provided by the Bank under this Act;

"(B) any export financing provided by any private financial institution or other entity; and

"(C) any other type of export financing,

in such manner and under such terms as the Bank determines to be appropriate, including combinations of export financing in the form of blended financing and parallel financing.

"(4) INFORMATION ON COUNTRIES WHICH ENGAGE IN OFFICIAL PREDACIOUS EXPORT FINANCING AND IMPEDE NEGOTIATIONS.—In order to assist the Bank to make the most efficient use of funds available for supplemental financing under paragraph (1)(B), the United States Trade Representative and the Secretary of Commerce may provide information on principal sectors and key markets of countries described in paragraph (1)(B) to the Bank, the Secretary, and the National Advisory Council on International Monetary and Financial Policies.

"(c) TIED AID CREDIT FUND.—

"(1) IN GENERAL.—There is hereby established within the Bank a fund to be known as the 'Tied Aid Credit Fund' (hereinafter in this section referred to as the 'Fund'), consisting of such amounts as may be appropriated to the Fund pursuant to the authorization contained in subsection (e).

"(2) EXPENDITURES FROM FUND.—Amounts in the Fund shall be available for grants made by the Bank under the tied aid credit program established pursuant to subsection (b) and to reimburse the Bank for the cost of any tied aid credits authorized by the Bank during fiscal year 1986.

"(d) CONSISTENCY WITH ARRANGEMENT.—Any export financing involving the use of a grant under the tied aid credit program shall be consistent with the procedures established by the Arrangement, as in effect at the time such financing is approved.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is hereby authorized to be appropriated to the Fund for fiscal years 1987 and 1988, $300,000,000. Except as provided in paragraph (2), such sums shall remain available until expended.

"(2) RESCISSION AUTHORITY.—

"(A) DETERMINATION BY PRESIDENT.—If the President determines that any amount appropriated to the Fund is not required to achieve the purpose of the Fund, the President shall transmit a special message of such determination to the Congress in the manner provided in section 1012(a) of the Impoundment Control Act of 1974.

2 USC 683.

"(B) SPECIAL MESSAGE.—Any message under this paragraph shall be treated as a special message under such section for purposes of such Act.

"(f) NONREVIEWABILITY.—No action taken under this section shall be reviewable by any court, except for abuse of discretion.

"(g) REPORT TO CONGRESS.—

"(1) REPORT REQUIRED.—Before the end of the 6-month period beginning on the date of enactment of this section and every six months thereafter, the Bank, in consultation with the Secretary, shall prepare and transmit a report on tied aid credits to the President of the Senate and the Speaker of the House of Representatives.

"(2) CONTENTS OF REPORT.—Each report required by paragraph (1) shall contain a description of—

"(A) the principal offers of predacious financing by foreign countries during the course of the previous 6 months;

"(B) steps taken by the United States to combat specific predacious financing practices of foreign countries;

"(C) any use by the Bank of the Tied Aid Credit Fund to match specific predacious financing practices of foreign countries and to initiate tied aid credit offers;

"(D) any additional steps the United States may take in the future to discourage use of predacious financing practices; and

"(E) any progress achieved in negotiations to establish a comprehensive international arrangement restricting the use of tied aid and partially untied credits for commercial purposes.

"(3) CONFIDENTIAL INFORMATION.—To the extent the Bank determines any information required to be included in the report under this subsection should not be made public, such information may be submitted separately on a confidential basis or provided orally, rather than in written form, to the Chairmen and ranking minority Members of the Committees of the Senate and the House of Representatives with jurisdiction over the subject matter of the report.

"(h) DEFINITIONS.—For the purpose of this section—

"(1) TIED AID AND PARTIALLY UNTIED AID CREDIT.—The terms 'tied aid credit' and 'partially untied aid credit' mean any credit which—

"(A) has a grant element greater than zero percent, as determined by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

"(B) is, in fact or in effect, tied to—

"(i) the procurement of goods or services from the donor country, in the case of tied aid credit; or

"(ii) the procurement of goods or services from a restricted number of countries, in the case of partially untied aid credit; and

"(C) is financed either exclusively from public funds or partly from public and partly from private funds.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(3) ARRANGEMENT.—The term 'Arrangement' means the Arrangement on Guidelines for Officially Supported Export Credits established through the Organization for Economic Cooperation and Development.

"(4) BLENDED FINANCING.—The term 'blended financing' means financing provided through any combination of official development assistance, official export credits, and private commercial credit which is integrated into a single agreement with a single set of financial terms.

"(5) PARALLEL FINANCING.—The term 'parallel financing' means financing provided by any combination of official development assistance, official export credits, and private commercial credit which is not integrated into a single agreement and does not have a single set of financial terms.".

SEC. 20. INTEREST SUBSIDY PAYMENTS.

Loans.

(a) IN GENERAL.—Section 2 of the Export-Import Bank Act of 1945 (as amended by section 11) is amended by adding at the end thereof the following new subsection:

Ante, p. 1203.

"(f) INTEREST SUBSIDY PAYMENTS.—

"(1) PAYMENTS AUTHORIZED.—The Bank may enter into commitments to make payments to commercial lending institutions and other lenders, in such amounts as the Bank may determine to be appropriate, to provide a sufficient return on loans by such lenders (including loans guaranteed by the Bank) in support of United States exports (of goods or services) when financing at less than market rates is required for such exports in order to respond to subsidized financing offered by foreign export credit agencies.

"(2) AUTHORITY TO MAKE PAYMENTS SUBJECT TO MINIMUM AMOUNT OF DIRECT LOAN AUTHORITY.—The authority to enter into commitments to make interest subsidy payments under paragraph (1) shall be effective for any fiscal year only if the aggregate principal amount of direct loans the Bank may obligate in such fiscal year is equal to or greater than $700,000,000.

"(3) PAYMENTS ALLOWED ONLY FROM FUNDS APPROPRIATED FOR SUCH PURPOSE.—The estimated aggregate amount of commitments entered into by the Bank under paragraph (1) in any fiscal year beginning after fiscal year 1986 may not exceed the amount of funds appropriated to the Bank for such purposes for such fiscal year.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), there are authorized to be appropriated to the Bank, for any fiscal year beginning after fiscal year 1986, such sums as may be necessary to carry out the purposes of this subsection.

"(B) Budget scoring.—No amount is authorized to be appropriated for commitments to make interest subsidy payments on loans for which the Bank extends a loan guarantee commitment if any amount of such loan guarantee commitment is scored as budget authority in any estimate of budget authority prepared pursuant to any provision of the Congressional Budget and Impoundment Control Act of 1974.

2 USC 621 note.

"(5) Sunset provision.—The authority to enter into commitments to make interest subsidy payments shall lapse on October 1, 1988.".

(b) GAO Report on Interest Subsidy Payments.—Section 9 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end thereof the following new subsection:

"(e) GAO Report on Interest Subsidy Payments.—

"(1) Report required.—Not later than March 1, 1988, the Comptroller General of the United States shall transmit to both Houses of the Congress a report on the manner in which and the extent to which the Bank is exercising its authority to make interest subsidy payments under section 2(f).

Supra.

"(2) Contents of report.—The report required under paragraph (1) with respect to interest subsidy payments shall—

"(A) compare the efficiency and competitiveness of interest subsidy payments with the efficiency and competitiveness of direct Bank financing of an equivalent value of exports;

100 STAT. 1210

"(B) compare the cost, to the United States Government, of making interest subsidy payments and the impact of such payments on the financial condition of the Bank with the cost and impact of direct Bank financing of an equivalent value of exports;

"(C) compare the impact of interest subsidy payments on the Federal budget with the impact on such budget of direct Bank financing of an equivalent value of exports; and

"(D) include all views and recommendations of the Advisory Committee of the Bank which are submitted to the Comptroller General of the United States before December 1, 1987.".

12 USC 635g.

(c) Report Sunset Provision.—Effective March 2, 1988, the amendment made by subsection (b) is repealed.

SEC. 21. POLICY TOWARD UNITED STATES BUSINESS TRANSACTIONS IN ANGOLA.

(a) The Congress finds that—

(1) the Marxist Popular Movement for the Liberation of Angola (hereafter in this section referred to as the "MPLA") has failed to hold fair and free elections since assuming power in Angola in 1975;

(2) Angola currently harbors more than 35,000 Soviet and Cuban troops and advisers;

(3) the Cubans and Soviets have channeled more than $4,000,000,000 in assistance and military aid in furtherance of this intervention in Africa;

(4) the MPLA government of Angola obtains more than 90 percent of its foreign exchange from the extraction and production of oil;

(5) most of Angola's oil is extracted in Cabinda Province, where 75 percent of it is extracted by the Chevron-Gulf Oil company;

(6) the MPLA has refused to take meaningful steps to end its dependency on Soviet and Cuban forces, engage in national reconciliation efforts within Angola, or encourage the independence of Namibia; and

(7) United States business interests are in direct conflict with United States foreign policy objectives in aiding the MPLA government of Angola, which directly opposes Jonas Savimbi and UNITA, recipients of United States support.

(b)(1) It is the sense of the Congress that the interests of the United States are best served when United States business transactions conducted in Angola do not directly or indirectly support Cuban troops and Soviet advisers.

(2) The Congress hereby requests that the President consider using his authorities under the Export Administration Act of 1979 to restrict United States business transactions that conflict with United States security interests in Angola.

50 USC app. 2401 note.

SEC. 22. OPPOSITION OF MULTILATERAL ASSISTANCE FOR FOREIGN SURPLUS COMMODITIES AND MINERALS.

22 USC 262h.

The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or otherwise made available pursuant to any provision of law, for the production or extraction of any commodity or mineral for export, if—

(1) such commodity or mineral, as the case may be, is in surplus on world markets; and

(2) the export of such commodity or mineral, as the case may be, would cause substantial injury to the United States producers of the same, similar, or competing commodity or mineral.

Approved October 15, 1986.

LEGISLATIVE HISTORY—H.R. 5548 (S. 2878):

HOUSE REPORTS: No. 99-956 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Sept. 22, considered and passed House.
Sept. 25, S. 2878 considered in Senate.
Sept. 26, S. 2878 considered in Senate; H.R. 5548 considered and passed Senate, amended.
Oct. 2, House agreed to conference report.
Oct. 7, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
Oct. 15, Presidential statement.

Public Law 99-529
99th Congress

100 STAT. 3010

An Act

To promote immunization and oral rehydration in developing countries, to promote democracy in Haiti, to protect tropical forests and biological diversity in developing countries, to authorize increased funding for the Child Survival Fund and for international narcotics control assistance, and for other purposes.

Oct. 24, 1986
[S. 1917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Special Foreign Assistance Act of 1986.
22 USC 2151 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Foreign Assistance Act of 1986".

TITLE I—PROMOTING IMMUNIZATION AND ORAL REHYDRATION IN DEVELOPING COUNTRIES

SEC. 101. FINDINGS.

The Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that 3.5 million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) at the 1984 "Bellagio Conference" it was determined that the goal of universal childhood immunization by 1990 is indeed achievable; and

(7) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program.

SEC. 102. UNITED STATES PARTICIPATION IN GLOBAL EFFORT.

President of U.S.

(a) UNITED STATES GOVERNMENT SUPPORT.—The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

100 STAT. 3011

(1) assisting in the delivery, distribution, and use of vaccines, including—

(A) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 percent of their annually projected target population with the full schedule of required immunizations; and

(B) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(2) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

President of U.S.

(b) PRIVATE SECTOR SUPPORT.—In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

22 USC 2151b.

SEC. 103. FUNDING LEVELS.

(a) EARMARKING.—Section 104(c)(3) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "Of the aggregate amounts made available for fiscal year 1987 to carry out paragraph (2) of this subsection (relating to the Child Survival

Fund) and to carry out subsection (c) (relating to development assistance for health), $50,000,000 shall be used to carry out this paragraph.".

(b) Authorization Level for Child Survival Fund.—Section 104(c)(2)(B) of that Act is amended by striking out "$25,000,000 for fiscal year 1987" and inserting in lieu thereof "$75,000,000 for fiscal year 1987".

TITLE II—PROMOTING DEMOCRACY IN HAITI

SEC. 201. FINDINGS CONCERNING HAITI.

The Congress finds that—

(1) the establishment of an interim government in Haiti committed to a restoration of democracy provides Haiti with an opportunity to build the political, social, and economic institutions necessary to promote Haiti's development, to provide a better future for the people of Haiti, and to provide the framework for more effective mutual cooperation with the United States, Haiti's neighbor in the Caribbean, and the other nations of the Hemisphere;

(2) the magnitude of the political, economic, and social tasks facing the people of Haiti will make the achievement of a better future a difficult task which will require a determined and sustained effort by the Haitian people over a long period of time and will require significant external assistance from the United States and other donors; and

(3) it is in the interest of the United States to provide appropriate support for the development of Haiti, a close neighbor which is one of the world's poorest nations and which is committed to the establishment of a democratic government.

100 STAT. 3012

SEC. 202. ECONOMIC ASSISTANCE FOR HAITI.

(a) Earmarking of Funds.—Not less than $108,000,000 of the aggregate amounts available for fiscal year 1987 to carry out sections 103 through 106 of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 4 of part II of that Act (relating to the Economic Support Fund), and titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (relating to the Food for Peace Program) shall be available only for Haiti.

22 USC 2151a, 2151d.
22 USC 2346.
7 USC 1701, 1721.

(b) Use of Development Assistance.—Assistance under sections 103 through 106 of the Foreign Assistance Act of 1961 which is provided for Haiti pursuant to subsection (a) shall be used to support a transition to democracy in Haiti, emphasizing foreign investment, job creation (especially in the private sector), rural development, health care and sanitation, small-scale irrigation, reforestation and land conservation, and literacy education. Such assistance should reflect the need to distribute development assistance resources more equitably among the various regions in Haiti in order to support sustainable development in all of Haiti.

22 USC 2151a–2151d.

(c) Requirement for Segregated Account for Economic Support Assistance Funds Paid to Government of Haiti.—Funds under chapter 4 of part II of the Foreign Assistance Act of 1961 which are made available for Haiti pursuant to subsection (a) may be paid to the Government of Haiti only if the Government of Haiti will maintain those funds in a separate account and not commingle them with other funds.

(d) Conditions on Economic Support and Development Assistance.—Funds may be obligated for assistance for Haiti under sections 103 through 106 of chapter 4 of part II of the Foreign Assistance Act of 1961 pursuant to subsection (a) only if the President determines that the interim Government of Haiti—

(1) is improving the human rights situation in Haiti;

(2) is implementing its timetable for completion of a new constitution that promotes genuine democratic reforms and guarantees the fundamental principles of democracy;

(3) is establishing a framework for free and open elections leading to a democratically-elected civilian government, which

would include free and functioning political parties and associations, free labor unions, and freedom of the press;

(4) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(5) is maintaining a system of fiscal accountability to ensure that all resources allocated to the development of Haiti are used in the most effective and efficient manner;

Human rights.

(6) is continuing its investigation of alleged human rights abuses and corruption by the Duvalier government and is prosecuting, in accordance with due process, those responsible for human rights abuses and corruption;

(7) is maintaining a free and independent judiciary system;

(8) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti; and

(9) is encouraging private sector development.

22 USC 290f.

(e) Inter-American Foundation.—Section 401(s)(2) of the Foreign Assistance Act of 1969 is amended by striking out "$11,969,000 for fiscal year 1987" and inserting in lieu thereof "$12,969,000 for fiscal year 1987 (not less than $1,000,000 of which shall be for Haiti)".

(f) Additional Assistance for Economic Development in Haiti.—In order to assist economic development in Haiti, a Foreign Commercial Service officer should be assigned to the United States Embassy in Haiti.

SEC. 203. MILITARY TRAINING AND OTHER NONLETHAL ASSISTANCE FOR HAITI.

22 USC 2347.

22 USC 2751.

(a) Authorization of Assistance.—Up to $4,000,000 of the aggregate amounts available for fiscal year 1987 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), chapter 5 of part II of that Act (relating to international military education and training), and the Arms Export Control Act (relating to FMS assistance) may be made available for Haiti for education, training, and other nonlethal assistance (such as transportation equipment, communications equipment, and uniforms).

Human rights.

(b) Conditions on Military Assistance.—Funds made available pursuant to subsection (a) may be obligated only if the President certifies to the Congress the following:

(1) The Government of Haiti has submitted a formal request to the United States specifying a comprehensive plan for the reform and reorganization of the mission, command, and control structures of the Haitian armed forces consistent with a transition to democracy, the rule of law, constitutional government, and an elected civilian government. Such a plan should include a publicly announced commitment by the armed forces of Haiti to abide by international human rights standards and adoption of a code of conduct to assure adherence to these standards.

(2) The Government of Haiti is making substantial efforts—

(A) to prevent the involvement of the Haitian armed forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;

(B) to ensure that freedom of speech and assembly are respected;

(C) to conduct investigations into the killings of unarmed civilians in Gonaives, Martissant, and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;

Education.

(D) to provide education and training to the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable those forces to function consistent with those rights; and

(E) to take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security (VSN) to turn in their weapons and to take the necessary actions to enforce this requirement.

(c) Reports.—Not later than three months after the President submits his certification under subsection (b) and every three months thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each of the objectives specified in subsection (b). Half of the assistance provided pursuant to subsection (a) shall be withheld from delivery until the President submits the first such report.

President of U.S.

100 STAT. 3014

(d) Notification to Congress.—Funds made available pursuant to subsection (a) may be obligated only if the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate are notified fifteen days in advance.

(e) Relation to Existing Provision.—Assistance under subsection (a) may be provided notwithstanding the limitations contained in section 705(e) of the International Security and Development Cooperation Act of 1985 and is in addition to the assistance allowed under that section.

99 Stat. 241.

SEC. 201. RECOVERY BY HAITI OF ASSETS STOLEN BY DUVALIER REGIME.

(a) Findings.—The Congress finds that—

(1) the Government of Haiti believes that former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime illegally diverted to their own use substantial amounts of the assets of the Government of Haiti;

(2) the Government of Haiti is attempting to locate and recover those assets through legal means;

(3) virtually every relevant jurisdiction, both in the United States and abroad, requires the posting of some form of security to secure the issuance of orders of attachment or other judicial seizures of property;

(4) the Government of Haiti is unable, without outside assistance, to post the necessary security because of its lack of assets;

(5) Haiti's economic situation could be significantly improved, and the need for external resources reduced, if the Government of Haiti is able to pursue its legal remedies against those who are in large part responsible for the economic crisis in Haiti; and

(6) the United States has a substantial foreign policy interest in helping the Government of Haiti recover any assets which were illegally diverted by those associated with the Duvalier regime.

(b) Actions to Assist Haiti.—The President shall exercise the authorities granted by section 203 of the International Emergency Economic Powers Act (50 U.S.C. App. 1702) to assist the Government of Haiti in its efforts to recover, through legal proceedings, assets which the Government of Haiti alleges were stolen by former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime. This subsection shall be deemed to satisfy the requirements of section 202 of that Act.

50 USC 1702.

50 USC 1701.

TITLE III—PROTECTING TROPICAL FORESTS AND BIOLOGICAL DIVERSITY IN DEVELOPING COUNTRIES

SEC. 301. PROTECTING TROPICAL FORESTS.

Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended—

22 USC 2151p.

(1) by redesignating section 118 as section 117;

(2) by striking out subsection (d) of that section; and

(3) by inserting after that section the following new section 118:

22 USC 2151p-1.

100 STAT. 3015

"SEC. 118. TROPICAL FORESTS.

"(a) IMPORTANCE OF FORESTS AND TREE COVER.—In enacting section 103(b)(3) of this Act the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Tropical forest destruction and loss—

"(1) result in shortages of wood, especially wood for fuel; loss of biologically productive wetlands; siltation of lakes, reservoirs, and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and

"(2) can result in desertification and destabilization of the earth's climate.

Properly managed tropical forests provide a sustained flow of resources essential to the economic growth of developing countries, as well as genetic resources of value to developed and developing countries alike.

"(b) PRIORITIES.—The concerns expressed in subsection (a) and the recommendations of the United States Interagency Task Force on Tropical Forests shall be given high priority by the President—

"(1) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities; and

"(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

President of U.S.

"(c) ASSISTANCE TO DEVELOPING COUNTRIES.—In providing assistance to developing countries, the President shall do the following:

"(1) Place a high priority on conservation and sustainable management of tropical forests.

"(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries—

"(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

"(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

"(3) To the fullest extent feasible, support projects and activities—

"(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

"(B) which help developing countries identify and implement alternatives to colonizing forested areas.

"(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

"(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry and other techniques which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people.

100 STAT. 3016

"(6) To the fullest extent feasible, help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of project design and implementation.

"(7) To the fullest extent feasible, support projects and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local people are involved at all stages of project design and implementation.

"(8) To the fullest extent feasible, support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands.

Research.

"(9) To the fullest extent feasible, support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, sustainable management of natural forests, small-scale farms and gardens, small-scale animal husbandry, wider application of adopted traditional practices, and suitable crops and crop combinations.

"(10) To the fullest extent feasible, conserve biological diversity in forest areas by—

"(A) supporting and cooperating with United States Government agencies, other donors (both bilateral and multilateral), and other appropriate governmental, intergovernmental, and nongovernmental organizations in efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis;

"(B) whenever appropriate, making the establishment of protected areas a condition of support for activities involving forest clearance or degradation; and

"(C) helping developing countries identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas.

"(11) To the fullest extent feasible, engage in efforts to increase the awareness of United States Government agencies and other donors, both bilateral and multilateral, of the immediate and long-term value of tropical forests.

"(12) To the fullest extent feasible, utilize the resources and abilities of all relevant United States Government agencies.

"(13) Require that any program or project under this chapter significantly affecting tropical forests (including projects involving the planting of exotic plant species)—

"(A) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land, and

"(B) take full account of the environmental impacts of the proposed activities on biological diversity,

as provided for in the environmental procedures of the Agency for International Development.

"(14) Deny assistance under this chapter for—

"(A) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner which minimizes forest destruction and that the proposed activity will produce positive economic benefits and sustainable forest management systems; and

"(B) actions which significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas.

"(15) Deny assistance under this chapter for the following activities unless an environmental assessment indicates that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development:

"(A) Activities which would result in the conversion of forest lands to the rearing of livestock.

"(B) The construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands.

"(C) The colonization of forest lands.

"(D) The construction of dams or other water control structures which flood relatively undegraded forest lands.

"(d) PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasible, the President shall accomplish the objectives of this section through projects managed by private and voluntary organizations or international, regional, or national nongovernmental organizations which are active in the region or country where the project is located.

"(e) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

"(1) the actions necessary in that country to achieve conservation and sustainable management of tropical forests, and

"(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

"(f) ANNUAL REPORT.—Each annual report required by section 634(a) of this Act shall include a report on the implementation of this section.". 22 USC 2394.

22 USC 2151q.

SEC. 302. PROTECTING BIOLOGICAL DIVERSITY.

Section 119 of the Foreign Assistance Act of 1961 is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following:

"(c) FUNDING LEVEL.—For fiscal year 1987, not less than $2,500,000 of the funds available to carry out this part (excluding funds made available to carry out section 104(c)(2), relating to the Child Survival Fund) shall be allocated for assistance pursuant to subsection (b) for activities which were not funded prior to fiscal year 1987. In addition, the Agency for International Development shall, to the fullest extent possible, continue and increase assistance pursuant to subsection (b) for activities for which assistance was provided in fiscal years prior to fiscal year 1987. 22 USC 2151b.

100 STAT. 3018

"(d) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

"(1) the actions necessary in that country to conserve biological diversity, and

"(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

"(e) LOCAL INVOLVEMENT.—To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.

"(f) PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international, regional, or national nongovernmental organizations, which are active in the region or country where the project is located.

"(g) ACTIONS BY AID.—The Administrator of the Agency for International Development shall—

"(1) cooperate with appropriate international organizations, both governmental and nongovernmental;

"(2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;

"(3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

"(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

"(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosystems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide, subject to obtaining the necessary appropriations, additional assistance necessary for the establishment and maintenance of such protected areas;

"(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

"(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

"(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after the date of enactment of this paragraph on the actions taken pursuant to this paragraph);

"(9) ensure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

"(10) deny any direct or indirect assistance under this chapter for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

"(h) ANNUAL REPORTS.—Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this section.".

TITLE IV—MISCELLANEOUS PROVISIONS RELATING TO CERTAIN FOREIGN ASSISTANCE PROGRAMS

SEC. 401. INCREASE AUTHORIZATION FOR INTERNATIONAL NARCOTICS CONTROL PROGRAMS.

22 USC 2291a.

Section 482(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out "$57,529,000 for the fiscal year 1987" and inserting in lieu thereof "$65,445,000 for the fiscal year 1987".

SEC. 402. AUTHORIZING A SEPARATE LINE ITEM APPROPRIATION FOR THE INSPECTOR GENERAL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

22 USC 2427.

Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended by inserting after "Act" the following: ", of which $21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency".

SEC. 403. ADDITIONAL PROVISIONS.

(a) **BOARD OF THE INTER-AMERICAN FOUNDATION.**—Section 401(g) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f.(g)) is amended by striking out "seven" in the first sentence and "Four" in the second sentence and inserting in lieu thereof "nine" and "Six", respectively.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect 120 days after the date of enactment of this Act.

22 USC 290f note.

SEC. 404. OFFSETTING REDUCTIONS IN CERTAIN FOREIGN ASSISTANCE PROGRAMS.

In order to provide the increased authorizations of appropriations contained in section 103(b), section 202(e), and section 401 without increasing the overall amount authorized to be appropriated for foreign assistance programs for fiscal year 1987—

22 USC 2151f. (1) section 104(g)(1)(B) of the Foreign Assistance Act of 1961 (relating to development assistance for health programs) is amended by striking out "$205,000,000 for fiscal year 1987" and inserting in lieu thereof "$180,000,000 for fiscal year 1987"; and

22 USC 2222. (2) section 302(a)(1) of that Act (relating to international organizations and programs) is amended by striking out "$270,000,000 for fiscal year 1987" and insert in lieu thereof "$236,084,000 for fiscal year 1987".

22 USC 3929.

SEC. 405. CONFORMING AMENDMENT.

Paragraph (6) of section 413(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) is repealed; *Ante*, p. 867. and the sentence of section 209(a)(1) of the Foreign Service Act of 1980 which was repealed by that paragraph is hereby re-enacted. 22 USC 3929.

Approved October 24, 1986.

LEGISLATIVE HISTORY—S. 1917:

SENATE REPORTS: No. 99-385 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 132 (1986):
  Aug. 15, considered and passed Senate.
  Sept. 25, considered and passed House, amended.
  Oct. 3, Senate concurred in House amendments with an amendment.
  Oct. 6, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
  Oct. 24, Presidential statement.

GENERAL GOVERNMENT ACTS

Public Law 99-251
99th Congress

An Act

To amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund; to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program; and for other purposes.

Feb. 27, 1986
[H.R. 4061]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Employees Benefits Improvement Act of 1986.
5 USC 8901 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Benefits Improvement Act of 1986".

TITLE I—FEDERAL EMPLOYEE HEALTH BENEFITS

SEC. 101. AUTHORITY TO REFUND CERTAIN CONTRIBUTIONS TO ENROLLEES.

The last sentence of section 8909(b) of title 5, United States Code, is amended by striking out "employees" and inserting in lieu thereof "enrollees".

SEC. 102. ELIMINATION OF REQUIREMENT OF THREE MEDICAL SPECIALTIES FOR GROUP-PRACTICE PREPAYMENT PLANS.

The second sentence of section 8903(4)(A) of title 5, United States Code, is amended to read as follows: "The group shall include at least 3 physicians who receive all or a substantial part of their professional income from the prepaid funds and who represent 1 or more medical specialties appropriate and necessary for the population proposed to be served by the plan.".

SEC. 103. AUTHORITY TO WAIVE CERTAIN ELIGIBILITY REQUIREMENTS.

Section 8905(b) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The Office may, in its sole discretion, waive the requirements of this subsection in the case of an individual who fails to satisfy such requirements if the Office determines that, due to exceptional circumstances, it would be against equity and good conscience not to allow such individual to be enrolled as an annuitant in a health benefits plan under this subchapter.".

SEC. 104. ANNUAL OPEN SEASON.

(a) In General.—Section 8905(f) of title 5, United States Code, is amended to read as follows:

Ante, p. 94.

"(f)(1) Under regulations prescribed by the Office, the Office shall, before the start of any contract term in which—

"(A) an adjustment is made in any of the rates charged or benefits provided under a health benefits plan described by section 8903 or 8903a of this title,

"(B) a newly approved health benefits plan is offered, or 100 STAT. 15

"(C) an existing plan is terminated,

provide a period of not less than 3 weeks during which any employee, annuitant, or former spouse enrolled in a health benefits plan described by such section shall be permitted to transfer that individual's enrollment to another such plan or to cancel such enrollment.

"(2) In addition to any opportunity afforded under paragraph (1) of this subsection, an employee, annuitant, or former spouse enrolled in a health benefits plan under this chapter shall be permitted to transfer that individual's enrollment to another such plan, or to cancel such enrollment, at such other times and subject to such conditions as the Office may prescribe in regulations.".

5 USC 8905 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to contracts entered into or renewed for calendar years beginning after December 31, 1986.

SEC. 105. AUTHORITY TO PAY CERTAIN HEALTH CARE PROFESSIONALS.

(a) DEFINITIONS.—Section 8901 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(11) 'qualified clinical social worker' means an individual—

"(A) who is licensed or certified as a clinical social worker by the State in which such individual practices; or

"(B) who, if such State does not provide for the licensing or certification of clinical social workers—

"(i) is certified by a national professional organization offering certification of clinical social workers; or

"(ii) meets equivalent requirements (as prescribed by the Office).".

(b) CLINICAL SOCIAL WORKERS.—Section 8902(k) of title 5, United States Code, is amended—

(1) by striking out "(k)" and inserting in lieu thereof "(k)(1)";

(2) by striking out the last sentence; and

(3) by inserting at the end thereof the following:

Contract.

"(2) When a contract under this chapter requires payment or reimbursement for services which may be performed by a qualified clinical social worker, an employee, annuitant, family member, or former spouse covered by the contract shall be entitled under the contract to have payment or reimbursement made to him or on his behalf for the services performed. As a condition for the payment or reimbursement, the contract—

"(A) may require that the services be performed pursuant to a referral by a psychiatrist; but

"(B) may not require that the services be performed under the supervision of a psychiatrist or other health practitioner.

"(3) The provisions of this subsection shall not apply to group practice prepayment plans.".

Contracts.
5 USC 8901 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective with respect to contracts entered into or renewed for calendar years beginning after December 31, 1986.

100 STAT. 16

SEC. 106. HEALTH SERVICES FOR MEDICALLY UNDERSERVED POPULATIONS.

(a) IN GENERAL.—(1) Section 3 of the Act entitled "An Act to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage by preempting certain State or local laws which are inconsistent with such contracts, and for other purposes", approved September 17, 1978 (Public Law 95-368; 92 Stat. 606; 5 U.S.C. 8902 note), is amended by striking out "; except that such provisions shall not apply to services provided after December 31, 1984".

(2) Section 5(b) of the Act entitled "An Act to amend the provisions of chapters 83 and 89 of title 5, United States Code, which relate to survivor benefits for certain dependent children, and for

other purposes", approved January 2, 1980 (Public Law 96-179; 93 Stat. 1300; 5 U.S.C 8902 note), is amended by striking out "and before January 1, 1985,".

(3) Section 8902(m)(2)(A) of title 5, United States Code, is amended by adding at the end thereof the following: "This paragraph shall apply with respect to a qualified clinical social worker covered by subsection (k)(2) of this section without regard to whether such contract contains the requirement authorized by clause (i) of the second sentence of subparagraph (A) of such subsection (k)(2).". *Ante*, p. 15.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to services provided after December 31, 1984. 5 USC 8902 note.

SEC. 107. MENTAL HEALTH, ALCOHOLISM, AND DRUG ADDICTION BENEFITS.

5 USC 8904 note.

(a) FINDINGS.—The Congress finds that—

(1) the treatment of mental illness, alcoholism, and drug addiction are basic health care services which are needed by approximately 40,000,000 Americans each year;

(2) treatment of mental illness, alcoholism, and drug addiction is increasingly successful;

(3) timely and appropriate treatment of mental illness, alcoholism, and drug addiction is cost effective in terms of restored productivity, reduced utilization of other health services, and reduced social dependence; and

(4) mental illness is a problem of grave concern to the people of the United States and is widely but unnecessarily feared and misunderstood.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress—

(1) that participants in the Federal employees health benefits program should receive adequate benefits coverage for treatment of mental illness, alcoholism, and drug addiction; and

(2) that the Office of Personnel Management should encourage participating health benefits plans to provide adequate benefits relating to treatment of mental illness, alcoholism, and drug addiction (including benefits relating to coverage for inpatient and outpatient treatment and catastrophic protection benefits).

SEC. 108. STUDY RELATING TO EXPANDING THE CLASS OF PRACTITIONERS COVERED BY SECTION 8902(k)(1).

The Office of Personnel Management shall study and, before April 1, 1986, submit a written report to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate with respect to extending section 8902(k)(1) of title 5, United States Code, as amended by this Act, to cover health practitioners not currently covered thereunder (such as nurse-midwives, nurse practitioners, chiropractors, and clinical social workers).

Report.

100 STAT. 17

Ante, p. 15.

SEC. 109. STUDY OF THE ADEQUACY OF HEALTH BENEFITS PROGRAM INFORMATION.

(a) IN GENERAL.—Not later than June 1, 1986, the Office of Personnel Management shall (1) study the adequacy of any sources or methods currently provided under chapter 89 of title 5, United States Code, to assist individuals in making informed decisions concerning the choice of a health benefits plan under such chapter and the use of benefits available under any such plan, and (2) submit to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate a report on the findings and determinations of the Office resulting from such study.

Report.

5 USC 8901 *et seq.*

(b) REPORT REQUIREMENTS.—The report required by subsection (a) shall include—

(1) an assessment of the adequacy of the sources and methods referred to in such subsection in advising individuals with respect to the coordination of benefits under chapter 89 of title 5, United States Code, with benefits available under other health insurance programs established by or under Federal law, including title XVIII of the Social Security Act; and

42 USC 1395.

(2) the administrative actions and any recommendations for legislation which the Office considers necessary in order to improve the effectiveness of any such source or method.

5 USC 7901 note.

SEC. 110. DEMONSTRATION PROJECT.

(a) DEFINITIONS.—For the purposes of this section—

(1) "health protection" means activities to minimize environmental and other workplace conditions which cause or aggravate stress, illness, disability, or other health impairments, including such activities as—

(A) accommodation of the handicapped;

(B) review of plans for new or altered facilities;

(C) routine inspections, surveys, studies of worksites;

(D) inspections of worksites by a physician, nurse, or other licensed health professional with training in occupational safety and health;

(E) evaluation and monitoring of worksite hazards; and

(F) investigations of causes of occupational disease or injury;

(2) "health promotion" means activities to encourage the development of health enhancing habits and practices, including activities encouraging—

(A) cessation of tobacco smoking;

(B) reduction in the misuse of alcohol, drugs, and other chemical substances;

(C) improvements in nutrition;

(D) improvements in physical fitness, including weight reduction; and

(E) control of stress;

(3) "disease prevention" means activities to prevent unnecessary illnesses, morbidity, disability, and medical treatment, including—

(A) occupationally related examinations;

(B) general health assessments;

(C) biological monitoring;

(D) immunizations, chemoprophylaxis, fitting respirators and hearing protectors, use of barrier creams, control of high blood pressure, control of sexually transmittable diseases, care to improve pregnancy outcome, control of toxic agents, control or elimination of hazards leading to accidental injuries, control of infectious agents, and other health intervention activities; and

(E) referral to private physicians, dentists, and other licensed health professionals;

(4) "secondary prevention" means—

(A) activities to provide on-the-job emergency health and dental care and assistance, and

(B) rehabilitation or follow-up care after emergency care,

to reduce morbidity, disability, lost productivity, and medical treatment.

Education.

(b) IN GENERAL.—The Director of the Office of Personnel Management, in consultation with the Secretary of Health and Human Services, shall establish and carry out at least one demonstration project to determine—

(1) the most effective (including cost-effective) means of—

(A) furnishing health protection, health promotion, disease prevention, and secondary prevention services to Federal Government employees;

(B) encouraging such employees to adopt good health habits;

(C) reducing health risks to such employees, particularly the risks of heart disease, cancer, stroke, diabetes, anxiety, depression, and lifestyle-related accidents;

(D) reducing medical expenses of such employees through health protection, health promotion, disease prevention, and secondary prevention activities;

(E) enhancing employee productivity and reducing health related liability of the Federal Government through a comprehensive occupational health program; and

(F) carrying out a program—

(i) to train employees under the jurisdiction of a Federal Government agency to furnish health protection, health promotion, disease prevention, and secondary prevention services to employees of such agency; and

(ii) to promote interagency agreements under which trained employees of an agency are available to furnish such services to employees of other Federal Government agencies, subject to reimbursement of the costs of the agency in making the trained employees available; and

(2) the cost effectiveness of organizational structures and of social and educational programs which may be useful in achieving the objectives described in clause (1).

Schools and colleges.

(c)(1) CONDUCT OF THE DEMONSTRATION PROJECT.—The demonstration project described in subsection (b) shall be conducted in cooperation with at least one—

(A) health profession school;

(B) allied health profession or nurse training institution; or

(C) public or private entity which provides health care.

Contracts. Grants.

(2)(A) The Director of the Office of Personnel Management, in consultation with the Secretary of Health and Human Services, may enter into contracts with, or make grants to, any school of medicine, school of osteopathy, school of public health, school of nursing, health maintenance organization, or other qualified health care provider for the purpose of carrying out the demonstration project described in subsection (b).

Contracts. Grants.

(B) The authority of the Director of the Office of Personnel Management to enter into contracts or to make grants under subparagraph (A) is effective for fiscal year 1986 and subsequent fiscal years only to such extent or in such amounts as are provided in appropriation Acts.

(C) For the purposes of this paragraph, the terms "school of medicine" and "school of osteopathy" have the same meanings as provided for such terms in section 701(4) of the Public Health Service Act (42 U.S.C. 292a(4)).

(d) REPORT.—Not later than 60 days after the date the demonstration project required by subsection (b) terminates, the Director of the Office of Personnel Management, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report on the project.

(e) ESTABLISHMENT AND TERMINATION REQUIREMENTS.—The demonstration project required by subsection (b) shall be established not later than 6 months after the date of enactment of this Act and shall terminate on the date 2 years after such date of enactment.

SEC. 111. ADDITIONAL TYPE OF HEALTH BENEFITS PLAN.

Paragraph (4) of section 8903 of title 5, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(C) MIXED MODEL PREPAYMENT PLANS.—Mixed model prepayment plans which are a combination of the type of plans described in subparagraph (A) and the type of plans described in subparagraph (B).".

SEC. 112. RESTRICTIONS RELATING TO AMOUNTS REFUNDED TO THE EMPLOYEES HEALTH BENEFITS FUND FROM CARRIERS' SPECIAL RESERVES.

5 USC 8909 note. (a) **Prohibited Transfers.**—(1) No amount in the Employees Health Benefits Fund may be transferred to the general fund of the Treasury of the United States or the United States Postal Service as a result of a refund described in paragraph (2).

(2) This subsection applies with respect to any refund made by a carrier during fiscal year 1986 or 1987 to the Employees Health Benefits Fund to the extent that such refund represents amounts in excess of the minimum level of financial reserves necessary to be held by such carrier to ensure the stable and efficient operation of its health benefits plan.

(b) **Restriction Relating to Use of Certain Amounts in the Fund.**—(1) Any amount which is in the Employees Health Benefits Fund, and which is described in paragraph (2), may be used solely 100 STAT. 20 for the purpose of paying the Government contribution under chapter 89 of title 5, United States Code, for health benefits for annuitants enrolled in health benefits plans (without regard to the health benefits plan or plans from which the refunds were received). 5 USC 8901 *et seq.*

(2) This subsection applies with respect to any amounts—

(A) which are referred to in subsection (a)(2); and

(B) which are attributable to Government contributions (other than contributions by the government of the District of Columbia, which shall be returned to such government) that were made under section 8906(b) of title 5, United States Code, as determined under regulations which the Office of Personnel Management shall prescribe.

(c) Definitions.—For the purpose of this section—

(1) the term "Employees Health Benefits Fund" refers to the fund described in section 8909(a) of title 5, United States Code;

(2) the term "carrier" has the meaning given such term by section 8901(7) of such title; and

(3) the term "health benefits plan" has the meaning given such term by section 8901(6) of such title.

TITLE II—CIVIL SERVICE SPOUSE AND FORMER SPOUSE EQUITY IMPROVEMENTS

SEC. 201. REVISION OF THE APPLICATION AND SPECIAL ELECTIONS PROVISIONS OF THE CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984.

5 USC 8341 note. (a) Application.—Section 4(a) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615; 98 Stat. 3204) is amended to read as follows:

Effective date. 5 USC 8331. "(a)(1) Except as provided in paragraphs (3), (4), (5), and (6) and subsections (b) and (c), the amendments made by section 2 of this Act shall take effect May 7, 1985, and shall apply—

"(A) to any individual who, on or after such date, is married to an employee or Member who, on or after such date, retires, dies, or applies for a refund of contributions under subchapter III of chapter 83 of title 5, United States Code, and 5 USC 8331 *et seq.*

"(B) to any individual who, as of such date, is married to a retired employee or Member,

unless (i) such employee or Member has waived, under the first sentence of section 8339(j)(1) of such title (or a similar prior provision of law), the right of that individual's spouse to receive a survivor annuity, or (ii) in the case of a post-retirement marriage or remarriage, an election has not been made before such date by such employee or Member with respect to such individual under the applicable provisions of section 8339(j)(1) or 8339(k)(2) of such title, as the case may be (or a similar prior provision of law).

Effective date. "(2) Except as provided in subsection (f), the amendments made by section 3 of this Act shall take effect May 7, 1985, and shall apply to any individual who, on or after such date, is married to an employee or annuitant.

"(3) The amendments made by subparagraphs (B)(iii) and (C)(ii) of section 2(4) of this Act (relating to the termination of survivor benefits for a widow or widower who remarries before age 55) and the amendments made by subparagraph (F) of such section 2(4) (relating to the restoration of a survivor annuity upon the dissolution of such a remarriage) shall apply— 100 STAT. 21

"(A) in the case of a remarriage occurring on or after the date of the enactment of this Act; and

"(B) with respect to periods beginning on or after such date.

"(4)(A) Except as provided in subparagraph (B), the amendment made by section 2(3)(A) of this Act (but only to the extent that it amends title 5, United States Code, by adding a new section 8339(j)(5)(C)) and the amendment made by section 2(3)(C) of this Act (which relate to the election of a survivor annuity for a spouse in the case of a post-retirement marriage or remarriage) shall apply—

"(i) to an employee or Member who retires before, on, or after May 7, 1985; and

"(ii) in the case of a marriage occurring on or after May 7, 1985.

"(B) The amendments referred to in subparagraph (A) shall not apply in the case of a marriage of an employee or Member retiring before May 7, 1985, if the marriage occurred after May 6, 1985, and before the date of the enactment of the Federal Employees Benefits Improvement Act of 1985.

"(C) Any election by an employee or Member described in subparagraph (B) to provide a survivor annuity for that individual's spouse by a marriage described in such subparagraph shall be effective if made in accordance with the applicable provisions of section 8339(j)(1) or 8339(k)(2) of title 5, United States Code, as the case may be, as in effect on May 6, 1985.

"(5)(A) Paragraphs (2), (3), (4), and (5)(B) of section 8339(j) of title 5, United States Code (as added by section 2(3)(A) of this Act), shall apply in the case of a former spouse of an employee or Member whose marriage to such employee or Member terminated before May 7, 1985, if such employee or Member retires on or after such date.

"(B)(i) The requirement described in clause (ii) shall not apply to an election made by an employee or Member under section 8339(j)(3) of title 5, United States Code (as amended by section 2(3)(A) of this Act), in order to provide a survivor annuity under section 8341(h) of such title (as amended by section 2(4)(G) of this Act) in the case of a former spouse referred to in subparagraph (A) if the election meets the requirements of clause (iii).

"(ii) The requirement referred to in clause (i) is the requirement prescribed in section 8339(j)(3) of title 5, United States Code, for an employee or Member to make an election in the case of a former spouse under such section 8339(j)(3) at the time of retirement or, if later, within 2 years after the date on which the marriage of the former spouse to the employee or Member is dissolved.

"(iii) Clause (i) applies to an election which is made by an employee or Member who retires on or after May 7, 1985, and before the date of the enactment of the Federal Employees Benefits Improvement Act of 1985, and is received by the Office of Personnel Management within the 2-year period beginning on the date of the enactment of such Act.

"(C) A survivor annuity shall be paid a former spouse as provided in section 8341(h) of title 5, United States Code (as amended by section 2(4)(G) of this Act), pursuant to an election made in the case of such former spouse under this paragraph.

"(D) The amendments made by paragraphs (6) and (7) of section 2 of this Act shall apply in the case of survivor annuities and elections authorized by this paragraph.

100 STAT. 22

"(6) The amendment made by section 2(4)(A) of this Act (relating to the definition of a widow or widower) and the amendment made by section 2(4)(G) of this Act (but only to the extent that it amends title 5, United States Code, by adding a new section 8341(i)) shall apply with respect to any marriage occurring on or after the date of the enactment of this Act.".

5 USC 8341 note.

(b) Entitlement of a Former Spouse in Case of Retirement or Death of an Employee or Member Before the Effective Date.—Section 4(b) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615; 98 Stat. 3205) is amended—

(1) in paragraph (1)—

(A) by striking out "the one hundred and eightieth day after the date of enactment of this Act" in the matter before subparagraph (A) and inserting in lieu thereof "May 7, 1985, or who died after becoming eligible to retire and before such date,";

(B) by striking out "retired" in the matter before clause (i) in subparagraph (B); and

(C) by striking out clause (iii) in subparagraph (B) and by redesignating clauses (iv), (v), and (vi) of such subparagraph as clauses (iii), (iv), and (v), respectively; and

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) A former spouse of an employee or Member referred to in the matter before subparagraph (A) in paragraph (1) of this section shall be entitled to a survivor annuity under subparagraph (B) of such paragraph if—

"(i) the former spouse satisfies the requirements of clauses (ii) through (v) of such subparagraph (B); and

"(ii) there is no surviving spouse of the employee or Member and no other former spouse of such employee or Member who is entitled to receive a survivor annuity under subchapter III of chapter 83 of title 5, United States Code, based on the service of such employee or Member which is creditable under such subchapter and there is no other person who has been designated to receive a survivor annuity under such subchapter by reason of an insurable interest in such employee or Member.

5 USC 8331 *et seq.*

"(B) For the purposes of this paragraph, the term 'surviving spouse' means a widow or a widower as defined in paragraphs (1) and (2), respectively, of section 8341(a) of title 5, United States Code."; and

(4) in paragraph (5), as redesignated by clause (2) of this subsection—

(A) by striking out "Member," in the matter before subparagraph (A) and inserting in lieu thereof "Member (or of that portion of the annuity which such employee or Member may have designated for this purpose under paragraph (1)(A) of this subsection),"; and

(B) by striking out "section 8341(b)(4)" in the matter following subparagraph (B) and inserting in lieu thereof "section 8341(h)(2)".

5 USC 8341 note.

(c) Eligibility of Certain Former Spouses To Enroll in a Federal Employees Health Benefits Plan.—(1) The first sentence of section 4(f) of the Civil Service Retirement Spouse Equity Act of 1984 is amended to read as follows: "Any individual—

100 STAT. 23

"(1) who is entitled to a survivor annuity under subsection (b) of this section or pursuant to an election authorized by reason of the application of subsection (a)(5) of this section,

"(2) as to whom a court order or decree referred to in section 8345(j) of title 5, United States Code (or similar provision of law under a retirement system for Government employees other than the Civil Service Retirement System) has been issued before May 7, 1985, or

"(3) who is entitled (other than as described in paragraph (2)) to an annuity or any portion of an annuity as a former spouse under a retirement system for Government employees as of May 7, 1985,

shall be considered to have satisfied section 8901(10)(C) of title 5, United States Code, as amended by this Act.".

5 USC 8341 note.

(2) The second sentence of such section 4(f) is amended—

(A) by inserting ", within 12 months after the date of the enactment of the Federal Employees Benefits Improvement Act of 1985," before "enroll"; and

(B) by inserting before the period at the end the following: "(other than the conditions prescribed in subparagraphs (A) and (B) of paragraph (1) of such section 8905(c))".

5 USC 8341 note.

(d) Additional Election.—(1) Notwithstanding the time limitation prescribed in subparagraph (A) of section 4(b)(1) of the Civil Service Retirement Spouse Equity Act of 1984, an election may be made under such subparagraph before the expiration of the 12-month period beginning on the date on which the regulations under paragraph (3) of this subsection first take effect.

(2) Any retired employee or Member who has made an election under section 4(b)(1)(A) of the Civil Service Retirement Spouse Equity Act of 1984 (as in effect at the time of such election) before the regulations under paragraph (3) of this subsection become effective may modify such election by designating, in writing, that only a portion of such employee or Member's annuity is to be used as the base for the survivor annuity for the former spouse for whom the election was made. A modification under this subparagraph shall be subject to the deadline under paragraph (1) of this subsection.

(3) The Office of Personnel Management shall prescribe regulations to carry out this subsection, including regulations under which an appropriate refund shall be made in the case of a modification under paragraph (2) of this subsection.

SEC. 202. CREDIT FOR MILITARY SERVICE.

Section 8332(j)(1) of title 5, United States Code, is amended by striking out "widow" each place it appears and inserting in lieu thereof "spouse, former spouse".

SEC. 203. ANNUITY REDUCTIONS.

(a) Irrevocability of a Joint Spousal Waiver.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting ", unless all rights to survivor benefits for such former spouse under this subchapter based on marriage to such employee or Member were waived under paragraph (1) of this subsection" before the period at the end of the first sentence.

(b) Replacement of Terminated Reduction.—Section 8339(j)(5)(B) of title 5, United States Code, is amended to read as follows:

100 STAT. 24

"(B) Any reduction in an annuity for the purpose of providing a survivor annuity for a former spouse of a retired employee or Member shall be terminated for each full month after the former spouse remarries before reaching age 55 or dies. This reduction shall be replaced by an appropriate reduction or reductions under paragraph (4) of this subsection if the retired employee or Member has (i) another former spouse who is entitled to a survivor annuity under section 8341(h) of this title, (ii) a current spouse to whom the employee or Member was married at the time of retirement and with respect to whom a survivor annuity was not jointly waived under paragraph (1) of this subsection, or (iii) a current spouse whom the employee or Member married after retirement and with respect to whom an election has been made under subparagraph (C) of this paragraph or subsection (k)(2) of this section.".

5 USC 8341.

(c) Elections Relating to a Survivor Annuity for a Person Who Has an Insurable Interest in an Annuitant.—(1) Section

8339(j)(5)(C) of title 5, United States Code, is amended by adding at the end thereof the following:

"(v) An election to provide a survivor annuity to a person under this subparagraph—

"(I) shall prospectively void any election made by the employee or Member under subsection (k)(1) of this section with respect to such person; or

"(II) shall, if an election was made by the employee or Member under such subsection (k)(1) with respect to a different person, prospectively void such election if appropriate written application is made by such employee or Member at the time of making the election under this subparagraph.

"(vi) The deposit provisions of clauses (ii) and (iii) of this subparagraph shall not apply if—

"(I) the employee or Member makes an election under this subparagraph after having made an election under subsection (k)(1) of this section; and

"(II) the election under such subsection (k)(1) becomes void under clause (v) of this subparagraph.".

5 USC 8339. (2) Section 8339(k)(1) of such title is amended by adding at the end thereof the following: "In the case of a married employee or Member, an election under this paragraph on behalf of the spouse may be made only if any right of such spouse to a survivor annuity based on the service of such employee or Member is waived in accordance with subsection (j)(1) of this section.".

(3) Paragraph (2) of section 8339(k) of such title is amended—

(A) by striking out subparagraph (B)(i) and inserting in lieu thereof the following:

"(B)(i) The election and reduction shall take effect on the first day of the first month beginning after the expiration of the 9-month period beginning on the date of marriage. Any such election to provide a survivor annuity for a person—

"(I) shall prospectively void any election made by the employee or Member under paragraph (1) of this subsection with respect to such person; or

"(II) shall, if an election was made by the employee or Member under such paragraph with respect to a different person, prospectively void such election if appropriate written application is made by such employee or Member at the time of making the election under this paragraph."; 100 STAT. 25

(B) by striking out "(other than an employee or Member who made a previous election under paragraph (1) of this subsection)" in subparagraph (B)(ii); and

(C) by adding at the end thereof the following new subparagraph (D):

"(D) Subparagraphs (B)(ii) and (C) of this paragraph shall not apply if—

"(i) the employee or Member makes an election under this paragraph after having made an election under paragraph (1) of this subsection; and

"(ii) the election under such paragraph (1) becomes void under subparagraph (B)(i) of this paragraph.".

5 USC 8339 note. (d) EFFECTIVE DATE.—The amendments made by this section shall take effect May 7, 1985.

SEC. 204. PRORATED COST-OF-LIVING ADJUSTMENTS FOR THE FIRST YEAR.

Section 8340(c)(1) of title 5, United States Code, is amended—

(1) by striking out "or widower" the first time it appears and inserting in lieu thereof ", widower, or former spouse,"; and

(2) by striking out "or widower" the second and third time it appears and inserting in lieu thereof ", widower, former spouse, or insurable interest designee".

SEC. 205. SURVIVOR BENEFITS FOR CHILDREN.

(a) EQUITABLE SURVIVOR ANNUITIES FOR SURVIVING CHILDREN.—Section 8341(e) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated by clause (1), the following new paragraph:

"(1) For the purposes of this subsection, 'former spouse' includes a former spouse who was married to an employee or Member for less than 9 months and a former spouse of an employee or Member who completed less than 18 months of service covered by this subchapter.".

(b) INDIVIDUAL DETERMINATION OF SURVIVOR ANNUITY AMOUNT.—Section 8341(e)(2) of title 5, United States Code, as redesignated by subsection (a)(1) of this section, is amended by striking out "each surviving child" both times it appears and inserting in lieu thereof "that surviving child".

SEC. 206. DEFERRED ANNUITIES FOR FORMER SPOUSES OF FORMER MEMBERS OF CONGRESS.

Section 8341(h)(1) of title 5, United States Code, is amended by striking out "or annuitant" and inserting in lieu thereof "annuitant, or former Member who was separated from the service with title to a deferred annuity under section 8338(b) of this title". 5 USC 8338.

SEC. 207. CHANGES IN COURT ORDERS AFTER DEATH.

Section 8341(h)(4)(A) of title 5, United States Code, is amended by inserting "or death" after "retirement".

SEC. 208. EFFECT OF A SEPARATION AGREEMENT ON REFUND OF A LUMP-SUM CREDIT.

Section 8342(j)(1)(B) of title 5, United States Code, is amended to read as follows: 100 STAT. 26

"(B) shall be subject to the terms of a court decree of divorce, annulment, or legal separation or any court order or court approved property settlement agreement incident to such decree if—

"(i) the decree, order, or agreement expressly relates to any portion of the lump-sum credit involved; and

"(ii) payment of the lump-sum credit would extinguish entitlement of the employee's or Member's spouse or former spouse to a survivor annuity under section 8341(h) of this title or to any portion of an annuity under section 8345(j) of this title.". 5 USC 8345.

TITLE III—MISCELLANEOUS CIVIL SERVICE AMENDMENTS

SEC. 301. RECEPTION AND REPRESENTATION EXPENSES OF THE OFFICE OF PERSONNEL MANAGEMENT.

Section 1103(a) of title 5, United States Code, is amended—

(1) by striking out "and" after paragraph (7);

(2) by striking out the period after paragraph (8) and by inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (8) the following:

"(9) incurring official reception and representation expenses of the Office subject to any limitation prescribed in any law.".

SEC. 302. EXCEPTION TO NOTICE REQUIREMENTS FOR ROUTINE PAY MATTERS.

Section 1103(b) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) Paragraphs (1) and (2) of this subsection and section 1105 of this title shall not apply to the establishment of any schedules or rates of basic pay or allowances under subpart D of part III of this 5 USC 1105.

title. The preceding sentence does not apply to the establishment of the procedures, methodology, or criteria used to establish such schedules, rates, or allowances.".

SEC. 303. PREDEPARTURE ALLOWANCE.

Puerto Rico. Panama.

Section 5924(2)(A) of title 5, United States Code, is amended by inserting after "United States" the following: ", its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements".

TIAS 10030.

SEC. 304. DENTAL CARE IN GOVERNMENT MEDICAL FACILITIES OVERSEAS.

The second sentence of section 5 of the Act of May 10, 1943 (24 U.S.C. 35; 57 Stat. 81) is amended to read as follows: "Routine dental care, other than dental prosthesis and orthodontia, may be furnished to such persons who are outside the naval service under the same conditions as are prescribed in section 4 of this Act for hospital and dispensary care for such persons.".

24 USC 34.

SEC. 305. MINIMUM ANNUITY UNDER THE CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.

(a) REPEAL.—Section 8345(f) of title 5, United States Code, is repealed.

100 STAT. 27

5 USC 8345 note.

(b) SAVINGS PROVISION.—An annuity payable from the Civil Service Retirement and Disability Fund as of the day before the date of enactment of this Act shall not be reduced—

Ante, p. 26.

(1) by reason of the repeal of section 8345(f) of title 5, United States Code; or

(2) if or to the extent that the reduction is to be made for the purpose of eliminating an overpayment resulting from the manner in which such section 8345(f) has been administered by the Office of Personnel Management.

5 USC 8345 note.

(c) RATIFICATION OF ERRONEOUS PAYMENTS.—Any individual to whom an overpayment of an annuity has been made from the Civil Service Retirement and Disability Fund before the date of enactment of this Act shall be deemed to have been entitled to that overpayment if and to the extent that such overpayment resulted from the manner in which the Office of Personnel Management has administered section 8345(f) of title 5, United States Code.

5 USC 8345 note.

(d) ADJUSTMENTS OF CERTAIN REDUCTIONS.—(1) Effective for any month after the date of enactment of this Act, the amount of any annuity which—

(A) is payable from the Civil Service Retirement and Disability Fund; and

(B) was reduced after June 30, 1985, and before the date of enactment of this Act, to eliminate any overpayment resulting from the manner in which the Office of Personnel Management administered section 8345(f) of title 5, United States Code,

shall not be less than the amount which would have been payable as of such date of enactment if the reduction described in clause (B) had not been made.

(2)(A) The Office shall make a lump-sum payment to each individual receiving an annuity to which paragraph (1) applies.

(B) The lump-sum payment made to any individual under this paragraph shall be equal to the excess of—

(i) the total amount of the annuity payments which would have been made to the individual for the period beginning with the first month in which the reduction described in paragraph (1)(B) was made and ending on the last day of the month in which this Act is enacted if the reduction had not been made, over

(ii) the total amount of the annuity payments which have been paid to such individual for that period.

SEC. 306. CIVIL SERVICE BENEFITS FOR FORMER EMPLOYEES OF COUNTY COMMITTEES.

(a) Retention.—Section 3502(a)(C) of title 5, United States Code, is amended by striking out "who is an employee in or under the Department of Agriculture".

(b) Rate of Pay on Change of Position.—Section 5334(e) of title 5, United States Code, is amended—

(1) by inserting a comma after "may"; and

(2) by striking out "under the Department of Agriculture,".

(c) Accrual and Accumulation of Leave.—The first sentence of section 6312 of title 5, United States Code, is amended by striking out "in the case of any officer or employee in or under the Department of Agriculture". 100 STAT. 28

SEC. 307. 18-MONTH PERIOD TO ELECT A SURVIVOR ANNUITY UNDER THE CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.

(a) In General.—Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following:

"(o)(1)(A) An employee or Member—

"(i) who, at the time of retirement, is married, and

"(ii) who notifies the Office at such time (in accordance with subsection (j)) that a survivor annuity under section 8341(b) of this title is not desired,

may, during the 18-month period beginning on the date of the retirement of such employee or Member, elect to have a reduction under subsection (j) made in the annuity of the employee or Member (or in such portion thereof as the employee or Member may designate) in order to provide a survivor annuity for the spouse of such employee or Member.

"(B) An employee or Member—

"(i) who, at the time of retirement, is married, and

"(ii) who at such time designates (in accordance with subsection (j)) that a limited portion of the annuity of such employee or Member is to be used as the base for a survivor annuity under section 8341(b) of this title,

may, during the 18-month period beginning on the date of the retirement of such employee or Member, elect to have a greater portion of the annuity of such employee or Member so used.

"(2)(A) An election under subparagraph (A) or (B) of paragraph (1) of this subsection shall not be considered effective unless the amount specified in subparagraph (B) of this paragraph is deposited into the Fund before the expiration of the applicable 18-month period under paragraph (1).

"(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

"(i) the additional cost to the System which is associated with providing a survivor annuity under subsection (b)(2) of this section and results from such election taking into account (I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this subchapter and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing for the later election; and

"(ii) interest on the additional cost determined under clause (i) of this subparagraph computed using the interest rate specified or determined under section 8334(e) of this title for the calendar year in which the amount to be deposited is determined. 5 USC 8334.

"(3) An election by an employee or Member under this subsection voids prospectively any election previously made in the case of such employee or Member under subsection (j).

"(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the employee or Member whose annuity is so reduced.

"(5) Rights and obligations resulting from the election of a reduced 100 STAT. 29 annuity under this subsection shall be the same as the rights and obligations which would have resulted had the employee or Member involved elected such annuity at the time of retiring.

"(6) The Office shall, on an annual basis, inform each employee or Member who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable to such election.".

5 USC 8339 note. (b) EFFECTIVE DATE AND APPLICATION.—(1) The amendment made by subsection (a) shall take effect 3 months after the date of the enactment of this Act.

(2)(A) Subject to subparagraph (B), the amendment made by subsection (a) shall apply with respect to employees and Members who retire before, on, or after such amendment first takes effect.

(B) For the purpose of applying the provisions of paragraph (1) of section 8339(o) of title 5, United States Code (as added by subsection (a) of this section) to employees and Members who retire before the date on which the amendment made by subsection (a) first takes effect—

(i) the period referred to in subparagraph (A) or (B) of such paragraph (as the case may be) shall be considered to begin on the date on which such amendment first becomes effective; and

(ii) the amount referred to in paragraph (2) of such section 8339(o) shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).

(3) For purposes of this subsection, the terms "employee" and "Member" each has the meaning given that term in sections 8331(1) and 8331(2) of title 5, United States Code, respectively.

Approved February 27, 1986.

LEGISLATIVE HISTORY—H.R. 4061:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Feb. 3, considered and passed House.
Feb. 5, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22, No. 9 (1986):
Feb. 27, Presidential statement.

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100 STAT. 514

Public Law 99-335
99th Congress

An Act

June 6, 1986
[H.R. 2672]

To amend title 5, United States Code, to establish a new retirement and disability plan for Federal employees, postal employees, and Members of Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Employees' Retirement System Act of 1986.
New Jersey International and Bulk Mail Center.

SECTION 1. REDESIGNATION OF BUILDING.

(a) REDESIGNATION.—The New York Bulk and Foreign Mail Center in Jersey City, New Jersey, shall hereafter be known and designated as the "New Jersey International and Bulk Mail Center". Any reference to such building in any law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the New Jersey International and Bulk Mail Center.

(b) Effective Date.—This section shall take effect 6 months after the date of the enactment of this Act.

SEC. 2. DEDICATION OF MICHAEL McDERMOTT PLACE.

(a) Erection of Sign.—The United States Postal Service shall erect a suitable sign bearing the inscription "Michael McDermott Place", anywhere on its property adjacent to the street and parking area located immediately to the east of the New York Bulk and Foreign Mail Center building in Jersey City, New Jersey, so as to dedicate such portion of such street in memory of former postal employee Michael McDermott.

(b) Effective Date.—This section shall take effect on the date of the enactment of this Act.

TITLE I—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

5 USC 8401 note.

(a) Short Title.—This Act may be cited as the "Federal Employees' Retirement System Act of 1986".

(b) Table of Contents.—The table of contents is as follows:

TABLE OF CONTENTS

TITLE I—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Sec. 100. Short title; table of contents.
Sec. 100A. Purposes.
Sec. 101. Establishment.

TITLE II—OTHER AMENDMENTS TO TITLE 5 OF THE UNITED STATES CODE

Sec. 201. Treatment under Civil Service Retirement System of certain individuals excluded from Federal Employees' Retirement System.
Sec. 202. Non-applicability of Civil Service Retirement System to individuals under Federal Employees' Retirement System.
Sec. 203. Pay for the Executive Director of the Federal Retirement Thrift Investment Board.
Sec. 204. Alternative forms of annuities.
Sec. 205. Retirement counseling.
Sec. 206. Participation by certain employees and Members only in the Thrift Savings Plan.
Sec. 207. Miscellaneous amendments.

TITLE III—OTHER PROVISIONS RELATING TO THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM AND THE CIVIL SERVICE RETIREMENT SYSTEM

Sec. 301. Elections.
Sec. 302. Effect of an election under section 301 to become subject to the Federal Employees' Retirement System.
Sec. 303. Provisions relating to an election to become subject to chapter 83 subject to certain offsets relating to Social Security.
Sec. 304. Amendments relating to Social Security.
Sec. 305. Extension of Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983; refund of excess contributions.
Sec. 306. Applicability to the United States Postal Service.
Sec. 307. Use of "normal-cost percentage".
Sec. 308. Retirement study.
Sec. 309. Repeal of automatic transfer provision.
Sec. 310. Disclosure of return information.
Sec. 311. Initial appointments to the Federal Retirement Thrift Investment Board.
Sec. 312. Plan for delayed contributions to the Thrift Savings Fund.

TITLE IV—FOREIGN SERVICE RETIREMENT

Sec. 401. Short title; references to Foreign Service Act of 1980.
Sec. 402. Redesignation of certain provisions of the Foreign Service Act of 1980.
Sec. 403. Definition of court.
Sec. 404. Creditable service for purposes of subchapters I and II.
Sec. 405. Contributions to the Foreign Service Retirement and Disability System.
Sec. 406. Offset of annuity by the amount of Social Security benefits.
Sec. 407. 18-month period to elect survivor annuity.
Sec. 408. Alternate forms of annuities.
Sec. 409. Treatment of certain recall service.
Sec. 410. Reemployment.

100 STAT. 515

Sec. 411. Comparability between the Federal Employees' Retirement System and the Foreign Service Pension System.
Sec. 412. Moderation of remarriage penalty.
Sec. 413. Lump-sum payments.
Sec. 414. Exclusion of participants in Foreign Service Pension System from Foreign Service Retirement and Disability System.
Sec. 415. Foreign Service Pension System.
Sec. 416. Table of contents.
Sec. 417. Effective date.

TITLE V—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND RELATED MATTERS

Sec. 501. References.
Sec. 502. Contributions to the Central Intelligence Agency Retirement and Disability System.
Sec. 503. Offset of annuity by the amount of Social Security benefits.
Sec. 504. Thrift savings fund participation by participants in the Central Intelligence Agency Retirement and Disability System.
Sec. 505. Alternative forms of annuities.
Sec. 506. Participation in the Federal Employees' Retirement System.
Sec. 507. Special retirement accrual for other intelligence personnel.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Annuities for survivors of District of Columbia judges.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATES

Sec. 701. Authorization of appropriations for certain expenses of the Federal Retirement Thrift Investment Management System.
100 STAT. 516 Sec. 702. Effective dates.

SEC. 100A. PURPOSES.

The purposes of this Act are—

(1) to establish a Federal employees' retirement plan which is coordinated with title II of the Social Security Act; 42 USC 401.

(2) to ensure a fully funded and financially sound retirement benefits plan for Federal employees;

(3) to enhance portability of retirement assets earned as an employee of the Federal Government;

(4) to provide options for Federal employees with respect to retirement planning;

(5) to assist in building a quality career work force in the Federal Government;

(6) to encourage Federal employees to increase personal savings for retirement; and

(7) to extend financial protection from disability to additional Federal employees and to increase such protection for eligible Federal employees.

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—Title 5, United States Code, is amended by inserting after chapter 83 the following new chapter:

"CHAPTER 84—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"8401. Definitions.
"8402. Federal Employees' Retirement System; exclusions.
"8403. Relationship to the Social Security Act.

"SUBCHAPTER II—BASIC ANNUITY

"8410. Eligibility for annuity.
"8411. Creditable service.
"8412. Immediate retirement.
"8413. Deferred retirement.
"8414. Early retirement.
"8415. Computation of basic annuity.
"8416. Survivor reduction for a current spouse.
"8417. Survivor reduction for a former spouse.
"8418. Survivor elections; deposit; offsets.
"8419. Survivor reductions; computation.

"8420. Insurable interest reductions.
"8420a. Alternative forms of annuities.
"8421. Annuity supplement.
"8421a. Reductions on account of earnings from work performed while entitled to an annuity supplement.
"8422. Deductions from pay; contributions for military service.
"8423. Government contributions.
"8424. Lump-sum benefits; designation of beneficiary; order of precedence.
"8425. Mandatory separation.

"SUBCHAPTER III—THRIFT SAVINGS PLAN

"8431. Definition.
"8432. Contributions.
"8433. Benefits and election of benefits.
"8434. Annuities: methods of payment; election; purchase.
"8435. Protections for spouses and former spouses.
"8436. Administrative provisions.
"8437. Thrift Savings Fund.
"8438. Investment of Thrift Savings Fund.
"8439. Accounting and information.
"8440. Tax treatment of the Thrift Savings Fund.

100 STAT. 517

"SUBCHAPTER IV—SURVIVOR ANNUITIES

"8441. Definitions.
"8442. Rights of a widow or widower.
"8443. Rights of a child.
"8444. Rights of a named individual with an insurable interest.
"8445. Rights of a former spouse.

"SUBCHAPTER V—DISABILITY BENEFITS

"8451. Disability retirement.
"8452. Computation of disability annuity.
"8453. Application.
"8454. Medical examination.
"8455. Recovery; restoration of earning capacity.
"8456. Relationship to workers' compensation.
"8457. Military reserve technicians.

"SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS

"8461. Authority of the Office of Personnel Management.
"8462. Cost-of-living adjustments.
"8463. Rate of benefits.
"8464. Commencement and termination of annuities of employees and Members.
"8465. Waiver, allotment, and assignment of benefits.
"8466. Application for benefits.
"8467. Court orders.
"8468. Annuities and pay on reemployment.
"8469. Withholding of State income taxes.
"8470. Exemption from legal process; recovery of payments.

"SUBCHAPTER VII—FEDERAL RETIREMENT THRIFT INVESTMENT MANAGEMENT SYSTEM

"8471. Definitions.
"8472. Federal Retirement Thrift Investment Board.
"8473. Employee Thrift Advisory Council.
"8474. Executive Director.
"8475. Investment policies.
"8476. Administrative provisions.
"8477. Fiduciary responsibilities; liability and penalties.
"8478. Bonding.
"8479. Exculpatory provisions; insurance.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 8401. Definitions

5 USC 8401.

"For the purpose of this chapter—

"(1) the term 'account' means an account established and maintained under section 8439(a) of this title;

"(2) the term 'annuitant' means a former employee or Member who, on the basis of that individual's service, meets all requirements for title to an annuity under subchapter II or V of this chapter and files claim therefor;

"(3) the term 'average pay' means the largest annual rate resulting from averaging an employee's or Member's rates of basic pay in effect over any 3 consecutive years of service or, in the case of an annuity under this chapter based on service of less than 3 years, over the total service, with each rate weighted by the period it was in effect;

"(4) except as provided in subchapter III of this chapter, the term 'basic pay' has the meaning given such term by section 8331(3);

"(5) the term 'Board' means the Federal Retirement Thrift Investment Board established by section 8472(a) of this title;

100 STAT. 518

"(6) the term 'Civil Service Retirement and Disability Fund' or 'Fund' means the Civil Service Retirement and Disability Fund under section 8348;

"(7) the term 'court' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court;

"(8) the term 'Director' means the Director of the Office of Personnel Management;

"(9) the term 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

"(A) investment yields;

"(B) increases in rates of basic pay; and

"(C) rates of price inflation;

"(10) the term 'earnings', when used with respect to the Thrift Savings Fund, means the amount of the gain realized or yield received from the investment of sums in such Fund;

"(11) the term 'employee' means—

"(A) an individual referred to in subparagraph (A), (E), (F), (H), (I), or (J) of section 8331(1) of this title; and

"(B) a Congressional employee as defined in section 2107 of this title, including a temporary Congressional employee and an employee of the Congressional Budget Office;

42 USC 401.
26 USC 3101 *et seq.*

any of whose civilian service after December 31, 1983, is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, except that such term does not include—

"(i) any individual referred to in—

"(I) clause (i), (v), (vi), or (ix) of paragraph (1) of section 8331;

"(II) clause (ii) of such paragraph (other than an employee of the United States Park Police, or the United States Secret Service, any of whose civilian service after December 31, 1983, is such employment); or

"(III) the undesignated material after the last clause of such paragraph; or

"(ii) any individual excluded under section 8402(c) of this title;

"(12) the term 'former spouse' means a former spouse of an individual—

"(A) if such individual performed at least 18 months of civilian service creditable under section 8411 as an employee or Member; and

"(B) if the former spouse was married to such individual for at least 9 months;

"(13) the term 'Executive Director' means the Executive Director appointed under section 8474(a);

"(14) the term 'firefighter' means—

"(A) an employee, the duties of whose position—

"(i) are primarily to perform work directly connected with the control and extinguishment of fires; and "(ii) are sufficiently rigorous that employment opportunities are required to be limited to young and physically vigorous individuals, as determined by the Director considering the recommendations of the employing agency; and

100 STAT. 519

"(B) an employee who is transferred directly to a supervisory or administrative position after performing duties described in subparagraph (A) for at least 10 years;

"(15) the term 'Government' means the Federal Government and Gallaudet College;

"(16) the term 'Indian court' has the meaning given such term by section 8331(24);

"(17) the term 'law enforcement officer' means—

"(A) an employee, the duties of whose position—

"(i) are primarily—

"(I) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or

"(II) the protection of officials of the United States against threats to personal safety; and

"(ii) are sufficiently rigorous that employment opportunities are required to be limited to young and physically vigorous individuals, as determined by the Director considering the recommendations of the employing agency;

"(B) an employee who is transferred directly to a supervisory or administrative position after performing duties described in subparagraph (A) for at least 10 years; and

"(C) an employee—

"(i) of the Bureau of Prisons or Federal Prison Industries, Incorporated;

"(ii) of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated; or

"(iii) in the field service at Army or Navy disciplinary barracks or at any other confinement and rehabilitation facility operated by any of the armed forces;

whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the United States or of the District of Columbia or offenses against the punitive articles of the Uniform Code of Military Justice (chapter 47 of title 10) require frequent direct contact with these individuals in their detention and are sufficiently rigorous that employment opportunities are required to be limited to young and physically vigorous individuals, as determined by the head of the employing agency;

10 USC 801 *et seq.*

"(18) the term 'loss', when used with respect to the Thrift Savings Fund, means the amount of the loss resulting from the investment of sums in such Fund;

"(19) the term 'lump-sum credit' means the unrefunded amount consisting of—

"(A) retirement deductions made from the basic pay of an employee or Member under section 8422(a) of this title (or under section 204 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983);

5 USC 8331 note.

"(B) amounts deposited by an employee or Member under section 8422(e); and

100 STAT. 520

"(C) interest on the deductions and deposits which, for any calendar year, shall be equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury

during such fiscal year under section 8348 (c), (d), and (e), as determined by the Secretary (compounded annually);

but does not include interest—

"(i) if the service covered thereby aggregates 1 year or less; or

"(ii) for a fractional part of a month in the total service;

"(20) the term 'Member' has the same meaning as provided in section 2106, except that such term does not include an individual who irrevocably elects, by written notice to the official by whom such individual is paid, not to participate in the Federal Employees' Retirement System;

"(21) the term 'net earnings' means the excess of earnings over losses;

"(22) the term 'net losses' means the excess of losses over earnings;

"(23) the term 'normal-cost percentage' means the entry-age normal cost of the provisions of the System which relate to the Fund, computed by the Office in accordance with generally accepted actuarial practice and standards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;

"(24) the term 'Office' means the Office of Personnel Management;

"(25) the term 'price index' has the same meaning as provided in section 8331(15);

"(26) the term 'service' means service which is creditable under section 8411;

"(27) the term 'supplemental liability' means the estimated excess of—

"(A) the actuarial present value of all future benefits payable from the Fund under this chapter based on the service of current or former employees or Members, over

"(B) the sum of—

"(i) the actuarial present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this chapter pursuant to section 8422;

"(ii) the actuarial present value of the future contributions to be made pursuant to section 8423(a) with respect to employees and Members currently subject to this chapter;

"(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable—

"(I) to the System, or

"(II) to contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of an individual who became subject to the System; and

5 USC 8331 note.

"(iv) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles;

"(28) the term 'survivor' means an individual entitled to an annuity under subchapter IV of this chapter;

"(29) the term 'System' means the Federal Employees' Retirement System described in section 8402(a);

"(30) the term 'military reserve technician' means a member of one of the reserve components of the armed forces specified in section 261(a) of title 10 who—

"(A) is assigned to a civilian position as a technician in the administration and training of such reserve components or in the maintenance and repair of supplies issued to such reserve components; and

"(B) as a condition of employment in such position, is required to be a member of one of such reserve components serving in a specified military grade; and

"(31) the term 'military service' means honorable active service—

"(A) in the armed forces;

"(B) in the commissioned corps of the Public Health Service after June 30, 1960; or

"(C) in the commissioned corps of the National Oceanic and Atmospheric Administration, or a predecessor entity in function, after June 30, 1961;

but does not include service in the National Guard except when ordered to active duty in the service of the United States.

"§ 8402. Federal Employees' Retirement System; exclusions

5 USC 8402.

"(a) The provisions of this chapter comprise the Federal Employees' Retirement System.

"(b) The provisions of this chapter shall not apply with respect to—

"(1) any individual who has performed service of a type described in subparagraph (C), (D), (E), or (F) of section 210(a)(5) of the Social Security Act continuously since December 31, 1983 (determined in accordance with the provisions of section 210(a)(5)(B) of the Social Security Act, relating to continuity of employment); or

42 USC 410.

"(2)(A) any employee or Member who has separated from the service after—

"(i) having been subject to subchapter III of chapter 83 of this title, or subchapter I of chapter 8 of the Foreign Service Act of 1980; and

Post, pp. 589, 591–593.
22 USC 4041.

"(ii) having completed at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title, or at least 5 years of civilian service creditable under subchapter I of the Foreign Service Act of 1980 (determined without regard to any deposit or redeposit requirement under either such subchapter, or any requirement that the individual become subject to either such subchapter after performing the service involved); or

"(B) any employee having at least 5 years of civilian service performed before January 1, 1987, creditable under subchapter III of chapter 83 of this title (determined without regard to any deposit or redeposit requirement under such subchapter, any requirement that the individual become subject to such subchapter after performing the service involved, or any requirement that the individual give notice in writing to the official by whom such individual is paid of such individual's desire to become subject to such subchapter);

except to the extent provided for under title III of the Federal Employees' Retirement System Act of 1986 pursuant to an election under such title to become subject to this chapter.

"(c)(1) The Office may exclude from the operation of this chapter an employee or group of employees in or under an Executive agency, the United States Postal Service, or the Postal Rate Commission, whose employment is temporary or intermittent, except an employee whose employment is part-time career employment (as defined in section 3401(2)).

"(2) The Architect of the Capitol may exclude from the operation of this chapter an employee under the Office of the Architect of the Capitol whose employment is temporary or of uncertain duration.

"(3) The Librarian of Congress may exclude from the operation of this chapter an employee under the Library of Congress whose employment is temporary or of uncertain duration.

"(4) The Director or Acting Director of the Botanic Garden may exclude from the operation of this chapter an employee under the Botanic Garden whose employment is temporary or of uncertain duration.

5 USC 8403.

"§ 8403. Relationship to the Social Security Act

"Except as otherwise provided in this chapter, the benefits payable under the System are in addition to the benefits payable under the Social Security Act. 42 USC 1305.

"SUBCHAPTER II—BASIC ANNUITY

5 USC 8410.

"§ 8410. Eligibility for annuity

"Notwithstanding any other provision of this chapter, an employee or Member must complete at least 5 years of civilian service creditable under section 8411 in order to be eligible for an annuity under this subchapter.

5 USC 8411.

"§ 8411. Creditable service

"(a)(1) The total service of an employee or Member is the full years and twelfth parts thereof, excluding from the aggregate the fractional part of a month, if any.

"(2) Credit may not be allowed for a period of separation from the service in excess of 3 calendar days.

"(b) For the purpose of this chapter, creditable service of an employee or Member includes—

"(1) employment as an employee, and any service as a Member (including the period from the date of the beginning of the term for which elected or appointed to the date of taking office as a Member), after December 31, 1986;

"(2) service with respect to which deductions and withholdings under section 204(a)(1) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 have been made; 5 USC 8331 note.

"(3) except as provided in subsection (f), any civilian service (performed before January 1, 1989, other than any service under paragraph (1) or (2)) which, but for the amendments made by subsections (a)(4) and (b) of section 202 of the Federal Employees' Retirement System Act of 1986, would be creditable under subchapter III of chapter 83 of this title (determined without regard to any deposit or redeposit requirement under such subchapter, any requirement that the individual become subject to such subchapter after performing the service involved, or any requirement that the individual give notice in writing to the official by whom such individual is paid of such individual's desire to become subject to such subchapter); and

100 STAT. 523

Post, pp. 589, 591-593.

"(4) a period of service (other than any service under any of the preceding provisions of this subsection and other than any military service) that was creditable under the Foreign Service Pension System described in subchapter II of chapter 8 of the Foreign Service Act of 1980, if the employee or Member waives credit for such service under the Foreign Service Pension System and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)). 22 USC 3901.

"(c)(1) Except as provided in paragraph (2) or (3), an employee or Member shall be allowed credit for—

"(A) each period of military service performed before January 1, 1957; and

"(B) each period of military service performed after December 31, 1956, and before the separation on which title to annuity is based, if a deposit (including interest, if any) is made with respect to such period in accordance with section 8422(e).

"(2) If an employee or Member is awarded retired pay based on any period of military service, the service of the employee or Member may not include credit for such period of military service unless the retired pay is awarded—

"(A) based on a service-connected disability—

"(i) incurred in combat with an enemy of the United States; or

"(ii) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by section 301 of title 38; or

"(B) under chapter 67 of title 10.

10 USC 1331 *et seq.*

"(3) An employee or Member who has made a deposit under section 8334(j) (or a similar prior provision of law) with respect to a period of military service, and who has not taken a refund of such deposit—

"(A) shall be allowed credit for such service without regard to the deposit requirement under paragraph (1)(B); and

"(B) shall be entitled, upon filing appropriate application therefor with the Office, to a refund equal to the difference between—

"(i) the amount deposited with respect to such period under such section 8334(j) (or prior provision), excluding interest; and

"(ii) the amount which would otherwise have been required with respect to such period under paragraph (1)(B).

"(d) Credit under this chapter shall be allowed for leaves of absence without pay granted an employee while performing military service, or while receiving benefits under subchapter I of chapter 81. An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been on leave of absence without pay for that part of the period in which that individual was receiving benefits under subchapter I of chapter 81. Credit may not be allowed for so much of other leaves of absence without pay as exceeds 6 months in the aggregate in a calendar year.

5 USC 8101.

100 STAT. 524

5 USC 8101.

"(e) Credit shall be allowed for periods of approved leave without pay granted an employee to serve as a full-time officer or employee of an organization composed primarily of employees (as defined by section 8331(1) or 8401(11)), subject to the employee arranging to pay, through the employee's employing agency, within 60 days after commencement of such leave without pay, amounts equal to the retirement deductions and agency contributions which would be applicable under sections 8422(a) and 8423(a), respectively, if the employee were in pay status. If the election and all payments provided by this subsection are not made, the employee may not receive credit for the periods of leave without pay, notwithstanding the third sentence of subsection (d).

"(f)(1) An employee or Member who has received a refund of retirement deductions under subchapter III of chapter 83 with respect to any service described in subsection (b)(3) may not be allowed credit for such service under this chapter unless such employee or Member deposits an amount equal to 1.3 percent of basic pay for such service, with interest.

"(2) An employee or Member may not be allowed credit under this chapter for any service described in subsection (b)(3) for which retirement deductions under subchapter III of chapter 83 have not been made, unless such employee or Member deposits an amount equal to 1.3 percent of basic pay for such service, with interest.

Post, pp. 589, 591–593.

"(3) Interest under paragraph (1) or (2) shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office.

"(4) For the purpose of survivor annuities, deposits authorized by the preceding provisions of this subsection may also be made by a survivor of an employee or Member.

"§ 8412. Immediate retirement

5 USC 8412.

"(a) An employee or Member who is separated from the service after attaining the applicable minimum retirement age under subsection (h) and completing 30 years of service is entitled to an annuity.

"(b) An employee or Member who is separated from the service after becoming 60 years of age and completing 20 years of service is entitled to an annuity.

"(c) An employee or Member who is separated from the service after becoming 62 years of age and completing 5 years of service is entitled to an annuity.

"(d) An employee who is separated from the service, except by removal for cause on charges of misconduct or delinquency—

"(1) after completing 25 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 25 years, or

"(2) after becoming 50 years of age and completing 20 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 20 years,

is entitled to an annuity.

"(e) An employee who is separated from the service, except by removal for cause on charges of misconduct or delinquency—

100 STAT. 525

"(1) after completing 25 years of service as an air traffic controller, or

"(2) after becoming 50 years of age and completing 20 years of service as an air traffic controller,

is entitled to an annuity.

"(f) A Member who is separated from the service, except by resignation or expulsion—

"(1) after completing 25 years of service, or

"(2) after becoming 50 years of age and completing 20 years of service,

is entitled to an annuity.

"(g) An employee or Member who is separated from the service after attaining the applicable minimum retirement age under subsection (h) and completing 10 years of service is entitled to an annuity. This subsection shall not apply to an employee or Member who is entitled to an annuity under any other provision of this section.

"(h)(1) The applicable minimum retirement age under this subsection is—

"(A) for an individual whose date of birth is before January 1, 1948, 55 years of age;

"(B) for an individual whose date of birth is after December 31, 1947, and before January 1, 1953, 55 years of age plus the number of months in the age increase factor determined under paragraph (2)(A);

"(C) for an individual whose date of birth is after December 31, 1952, and before January 1, 1965, 56 years of age;

"(D) for an individual whose date of birth is after December 31, 1964, and before January 1, 1970, 56 years of age plus the number of months in the age increase factor determined under paragraph (2)(B); and

"(E) for an individual whose date of birth is after December 31, 1969, 57 years of age.

"(2)(A) For an individual whose date of birth occurs during the 5-year period consisting of calendar years 1948 through 1952, the age increase factor shall be equal to two-twelfths times the number of months in the period beginning with January 1948 and ending with December of the year in which the date of birth occurs.

"(B) For an individual whose date of birth occurs during the 5-year period consisting of calendar years 1965 through 1969, the age increase factor shall be equal to two-twelfths times the number of months in the period beginning with January 1965 and ending with December of the year in which the date of birth occurs.

5 USC 8413.

"§ 8413. Deferred retirement

"(a) An employee or Member who is separated from the service, or transferred to a position in which the employee or Member does not continue subject to this chapter, after completing 5 years of service is entitled to an annuity beginning at the age of 62 years.

"(b)(1) An employee or Member who is separated from the service, or transferred to a position in which the employee or Member does not continue subject to this chapter, after completing 10 years of service is entitled to an annuity beginning on the date designated by the employee or Member in a written election under this subsection. The date designated under this subsection may not precede the date on which the employee or Member attains the applicable minimum retirement age under section 8412(h) and must precede the date on which the employee or Member becomes 62 years of age.

"(2) The election of an annuity under this subsection shall not be effective unless—

"(A) it is made at such time and in such manner as the Office shall by regulation prescribe; and

"(B) the employee or Member will not otherwise be eligible to receive an annuity within 31 days after filing the election.

"(3) The election of an annuity under this subsection extinguishes the right of the employee or Member to receive any other annuity based on the service on which the annuity under this subsection is based.

"§ 8414. Early retirement 5 USC 8414.

"(a)(1) A member of the Senior Executive Service who is removed from the Senior Executive Service for less than fully successful executive performance (as determined under subchapter II of chapter 43 of this title) after completing 25 years of service, or after becoming 50 years of age and completing 20 years of service, is entitled to an annuity. 5 USC 4311.

"(2) A member of the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service who is removed from such service for less than fully successful executive performance after completing 25 years of service, or after becoming 50 years of age and completing 20 years of service, is entitled to an annuity.

"(b)(1) Except as provided in paragraphs (2) and (3), an employee who—

"(A) is separated from the service involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(B) while serving in a geographic area designated by the Director, is separated from the service voluntarily during a period in which (as determined by the Director)—

"(i) the agency in which the employee is serving is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

"(ii) a significant percentage of the total number of employees serving in such agency will be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53 of this title or comparable provisions); 5 USC 5361.

after completing 25 years of service, or after becoming 50 years of age and completing 20 years of service, is entitled to an annuity.

"(2) An employee under paragraph (1) who is separated as described in subparagraph (A) of such paragraph is not entitled to an annuity under this subsection if the employee has declined a reasonable offer of another position in the employee's agency for which the employee is qualified, and the offered position is not lower than 2 grades (or pay levels) below the employee's grade (or pay level) and is within the employee's commuting area.

"(3) Paragraph (1) shall not apply to an employee entitled to an annuity under subsection (d) or (e) of section 8412.

"(c) A military reserve technician who is separated from technician service, after becoming 50 years of age and completing 25 years of service, by reason of ceasing to satisfy the condition described in section 8401(30)(B) is entitled to an annuity.

5 USC 8415.

100 STAT. 527

"§ 8415. Computation of basic annuity

"(a) Except as otherwise provided in this section, the annuity of an employee retiring under this subchapter is 1 percent of that individual's average pay multiplied by such individual's total service.

"(b) The annuity of a Member, or former Member with title to a Member annuity, retiring under this subchapter is computed under subsection (a), except that if the individual has had at least 5 years of service as a Member or Congressional employee, or any combination thereof, so much of the annuity as is computed with respect to either such type of service (or a combination thereof), not exceeding a total of 20 years, shall be computed by multiplying $1\frac{7}{10}$ percent of the individual's average pay by the years of such service.

"(c) The annuity of a Congressional employee, or former Congressional employee, retiring under this subchapter is computed under subsection (a), except that if the individual has had at least 5 years of service as a Congressional employee or Member, or any combination thereof, so much of the annuity as is computed with respect to either such type of service (or a combination thereof), not exceeding a total of 20 years, shall be computed by multiplying $1\frac{7}{10}$ percent of the individual's average pay by the years of such service.

"(d) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a) or (b) of section 8425 is—

"(1) $1\frac{7}{10}$ percent of that individual's average pay multiplied by so much of such individual's total service as does not exceed 20 years; plus

"(2) 1 percent of that individual's average pay multiplied by so much of such individual's total service as exceeds 20 years.

"(e)(1) In computing an annuity under this subchapter for an employee whose service includes service performed on a part-time basis—

"(A) the average pay of the employee, to the extent that it includes pay for service performed in any position on a part-time basis, shall be determined by using the annual rate of basic pay that would be payable for full-time service in the position; and

"(B) the benefit so computed shall then be multiplied by a fraction equal to the ratio which the employee's actual service, as determined by prorating the employee's total service to reflect the service that was performed on a part-time basis, bears to the total service that would be creditable for the employee if all of the service had been performed on a full-time basis.

"(2) For the purpose of this subsection, employment on a part-time basis shall not be considered to include employment on a temporary or intermittent basis.

"(f)(1) The annuity of an employee or Member retiring under section 8412(g) or 8413(b) is computed in accordance with applicable provisions of this section, except that the annuity shall be reduced by five-twelfths of 1 percent for each full month by which the commencement date of the annuity precedes the sixty-second anniversary of the birth of the employee or Member.

"(2)(A) Paragraph (1) does not apply in the case of an employee or Member retiring under section 8413(b) if the employee or Member would satisfy the age and service requirements for title to an annuity under section 8412 (a), (b), (d)(2), (e)(2), or (f)(2), determined as if the employee or Member had, as of the date of separation, attained the age specified in subparagraph (B).

100 STAT. 528

"(B) A determination under subparagraph (A) shall be based on how old the employee or Member will be as of the date on which the annuity under section 8413(b) is to commence.

"(g)(1) In applying subsection (a) with respect to an employee under paragraph (2), the percentage applied under such subsection shall be 1.1 percent, rather than 1 percent.

"(2) This subsection applies in the case of an employee who—

"(A) retires entitled to an annuity under section 8412; and

"(B) at the time of the separation on which entitlement to the annuity is based, is at least 62 years of age and has completed at least 20 years of service;

but does not apply in the case of a Congressional employee, military reserve technician, law enforcement officer, firefighter, or air traffic controller.

"§ 8416. Survivor reduction for a current spouse

5 USC 8416.

"(a)(1) If an employee or Member is married at the time of retiring under this chapter, the reduction described in section 8419(a) shall be made unless the employee or Member and the spouse jointly waive, by written election, any right which the spouse may have to a survivor annuity under section 8442 based on the service of such employee or Member. A waiver under this paragraph shall be filed with the Office under procedures prescribed by the Office.

"(2) Notwithstanding paragraph (1), an employee or Member who is married at the time of retiring under this chapter may waive the annuity for a surviving spouse without the spouse's consent if the employee or Member establishes to the satisfaction of the Office (in accordance with regulations prescribed by the Office)—

"(A) that the spouse's whereabouts cannot be determined; or

"(B) that, due to exceptional circumstances, requiring the employee or Member to seek the spouse's consent would otherwise be inappropriate.

"(3) Except as provided in subsection (d), a waiver made under this subsection shall be irrevocable.

"(b)(1) Upon remarriage, a retired employee or Member who was married at the time of retirement (including an employee or Member whose annuity was not reduced to provide a survivor annuity for the employee's or Member's spouse or former spouse as of the time of retirement) may irrevocably elect during such marriage, in a signed writing received by the Office within 2 years after such remarriage or, if later, within 2 years after the death or remarriage of any former spouse of such employee or Member who was entitled to a survivor annuity under section 8445 (or of the last such surviving former spouse, if there was more than one), a reduction in the employee's or Member's annuity under section 8419(a) for the purpose of providing an annuity for such employee's or Member's spouse in the event such spouse survives the employee or Member.

"(2) The election and reduction shall be effective the first day of the second month after the election is received by the Office, but not less than 9 months after the date of the remarriage.

"(3) An election to provide a survivor annuity to an individual under this subsection—

"(A) shall prospectively void any election made by the employee or Member under section 8420 with respect to such individual; or

"(B) shall, if an election was made by the employee or Member under section 8420 with respect to a different individual, prospectively void such election if appropriate written application is made by such employee or Member at the time of making the election under this subsection.

"(4) Any election under this subsection made by an employee or Member on behalf of an individual after the retirement of such employee or Member shall not be effective if—

"(A) the employee or Member was married to such individual at the time of retirement; and

"(B) the annuity rights of such individual based on the service of such employee or Member were then waived under subsection (a).

"(c)(1) An employee or Member who is unmarried at the time of retiring under this chapter and who later marries may irrevocably elect, in a signed writing received by the Office within 2 years after such employee or Member marries or, if later, within 2 years after the death or remarriage of any former spouse of such employee or Member who was entitled to a survivor annuity under section 8445 (or of the last such surviving former spouse, if there was more than one), a reduction in the current annuity of the retired employee or Member, in accordance with section 8419(a).

"(2) The election and reduction shall take effect the first day of the first month beginning 9 months after the date of marriage. Any such election to provide a survivor annuity for an individual—

"(A) shall prospectively void any election made by the employee or Member under section 8420 with respect to such individual; or

"(B) shall, if an election was made by the employee or Member under section 8420 with respect to a different individual, prospectively void such election if appropriate written application is made by such employee or Member at the time of making the election under this subsection.

"(d)(1) An employee or Member—

"(A) who is married on the date of retiring under this chapter, and

"(B) with respect to whose spouse a waiver under subsection (a) has been made,

may, during the 18-month period beginning on such date, elect to have a reduction made under section 8419 in order to provide a survivor annuity under section 8442 for such spouse.

"(2)(A) An election under this subsection shall not be effective unless the amount described in subparagraph (B) is deposited into the Fund before the expiration of the 18-month period referred to in paragraph (1).

"(B) The amount to be deposited under this subparagraph is equal to the sum of—

"(i) the difference (for the period between the date on which the annuity of the former employee or Member commences and the date on which reductions pursuant to the election under this subsection commence) between the amount paid to the former employee or Member from the Fund under this chapter and the amount which would have been paid if such election had been made at the time of retirement; and

100 STAT. 530

"(ii) the costs associated with providing for the election under this subsection.

The amount to be deposited under clause (i) shall include interest, computed at the rate of 6 percent a year.

"(3) An annuity which is reduced pursuant to an election by a former employee or Member under this subsection shall be reduced by the same percentage as was in effect under section 8419 as of the date of the employee's or Member's retirement.

"(4) Rights and obligations under this chapter resulting from an election under this subsection shall be the same as the rights and obligations which would have resulted had the election been made at the time of retirement.

"(5) The Office shall inform each employee and Member who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable in making any such election.

5 USC 8417.

"§ 8417. Survivor reduction for a former spouse

"(a) If an employee or Member has a former spouse who is entitled to a survivor annuity as provided in section 8445, the reduction described in section 8419(a) shall be made.

"(b)(1) An employee or Member who has a former spouse may elect, under procedures prescribed by the Office, a reduction in the annuity of the employee or Member under section 8419(a) in order to provide a survivor annuity for such former spouse under section 8445.

"(2) An election under this subsection shall be made at the time of retirement or, if the marriage is dissolved after the date of retirement, within 2 years after the date on which the marriage of the former spouse to the employee or Member is so dissolved.

"(3) An election under this subsection—

"(A) shall not be effective to the extent that it—

"(i) conflicts with—

"(I) any court order or decree referred to in section 8445(a) which was issued before the date of such election; or

"(II) any agreement referred to in such section 8445(a) which was entered into before such date; or

"(ii) would cause the total of survivor annuities payable under sections 8442 and 8445, respectively, based on the service of the employee or Member to exceed the amount which would be payable to a widow or widower of such employee or Member under such section 8442 (determined without regard to any reduction to provide for an annuity under such section 8445); and

"(B) shall not be effective, in the case of an employee or Member who is then married, unless it is made with the spouse's written consent.

The Office shall by regulation provide that subparagraph (B) may be waived for either of the reasons set forth in section 8416(a)(2). Regulations.

"§ 8418. Survivor elections; deposit; offsets

5 USC 8418.

"(a)(1) An individual who makes an election under subsection (b) or (c) of section 8416 or section 8417(b) which is required to be made within 2 years after the date of a prescribed event shall deposit into the Fund, before the expiration of the 2-year period involved, an amount determined by the Office (as nearly as may be administratively feasible) to reflect the amount by which the annuity of such individual would have been reduced if the election had been in effect since the date of retirement (or, if later, and in the case of an election under such section 8416(b), since the date the previous reduction in the annuity of such individual was terminated under paragraph (1) or (2) of section 8419(b)), plus interest.

100 STAT. 531

"(2) Interest under paragraph (1) shall be computed at the rate of 6 percent a year.

"(b) If the electing individual does not make the deposit required under subsection (a), the Office shall collect such amount by offset against such individual's annuity, up to a maximum of 25 percent of the net annuity otherwise payable, and the individual is deemed to consent to such offset.

"(c) Subsections (a) and (b) shall not apply if—

"(1) the employee or Member makes an election under section 8416 (b) or (c) after having made an election under section 8420; and

"(2) the election under such section 8420 becomes void under subsection (b)(3) or (c)(2) of such section 8416.

"(d) The Office shall prescribe regulations under which the survivor of an employee or Member may make a deposit under this section. Regulations.

"§ 8419. Survivor reductions; computation

5 USC 8419.

"(a)(1) Except as provided in paragraph (2), the annuity of an annuitant computed under section 8415, or under section 8452 (including subsection (a)(2) of such section, if applicable), shall be reduced by 10 percent if a survivor annuity, or a combination of survivor annuities, under section 8442 or 8445 (or both) are to be provided for.

"(2)(A) If no survivor annuity under section 8442 is to be provided for, but one or more survivor annuities under section 8445 involving a total of less than the entirety of the amount referred to in subsection (b)(2) of such section are to be provided for, the annuity of the annuitant involved (as computed under section 8415, or under section 8452 (including subsection (a)(2) of such section, if applicable)), shall be reduced by an appropriate percentage determined under subparagraph (B).

Regulations.

"(B) The Office shall prescribe regulations under which an appropriate reduction under this paragraph, not to exceed a total of 10 percent, shall be made.

"(b)(1) Any reduction in an annuity for the purpose of providing a survivor annuity for the current spouse of a retired employee or Member shall be terminated for each full month—

"(A) after the death of the spouse; or

"(B) after the dissolution of the spouse's marriage to the employee or Member, except that an appropriate reduction shall be made thereafter if the spouse is entitled, as a former spouse, to a survivor annuity under section 8445.

"(2) Any reduction in an annuity for the purpose of providing a survivor annuity for a former spouse of a retired employee or Member shall be terminated for each full month after the former spouse remarries before reaching age 55 or dies. This reduction shall be replaced by appropriate reductions under subsection (a) if the retired employee or Member has one or more of the following:

"(A) another former spouse who is entitled to a survivor annuity under section 8445;

"(B) a current spouse to whom the employee or Member was married at the time of retirement and with respect to whom a survivor annuity was not waived under section 8416(a) (or, if waived, with respect to whom an election under section 8416(d) has been made); or

"(C) a current spouse whom the employee or Member married after retirement and with respect to whom an election has been made under subsection (b) or (c) of section 8416.

5 USC 8420.

"§ 8420. Insurable interest reductions

"(a)(1) At the time of retiring under section 8412, 8413, or 8414, an employee or Member who is found to be in good health by the Office may elect to have such employee's or Member's annuity (as computed under section 8415) reduced under paragraph (2) in order to provide an annuity under section 8444 for an individual having an insurable interest in the employee or Member. Such individual shall be designated by the employee or Member in writing.

"(2) The annuity of the employee or Member making the election is reduced by 10 percent, and by 5 percent for each full 5 years the individual named is younger than the retiring employee or Member, except that the total reduction may not exceed 40 percent.

"(3) An annuity which is reduced under this subsection shall, effective the first day of the month following the death of the individual named under this subsection, be recomputed and paid as if the annuity had not been so reduced.

"(b)(1) In the case of a married employee or Member, an election under this section on behalf of the spouse may be made only if any right of such spouse to a survivor annuity based on the service of such employee or Member is waived in accordance with section 8416(a).

"(2) Paragraph (1) does not apply in the case of an employee or Member if such employee or Member has a former spouse who would become entitled to an annuity under section 8445 as a survivor of such employee or Member.

5 USC 8420a.

"§ 8420a. Alternative forms of annuities

Regulations.

"(a) The Office shall prescribe regulations under which an employee or Member may, at the time of retiring under this subchapter, elect annuity benefits under this section instead of any other benefits under this subchapter, and any benefits under subchapter IV of this chapter, based on the service of the employee or Member.

"(b) Subject to subsection (c), the Office shall by regulation provide for such alternative forms of annuities as the Office considers appropriate, except that among the alternatives offered shall be—

"(1) an alternative which provides for—

"(A) payment of the lump-sum credit (excluding interest) to the employee or Member; and

"(B) payment of an annuity to the employee or Member for life; and

"(2) in the case of an employee or Member who is married at the time of retirement, an alternative which provides for—

"(A) payment of the lump-sum credit (excluding interest) to the employee or Member; and

"(B) payment of an annuity to the employee or Member for life, with a survivor annuity payable for the life of a surviving spouse.

"(c) Each alternative provided for under subsection (b) shall, to the extent practicable, be designed such that the present value of the benefits provided under such alternative (including any lump-sum credit) is actuarially equivalent to the sum of—

"(1) the present value of the annuity which would otherwise be provided under this subchapter, as computed under section 8415; and

"(2) the present value of the annuity supplement which would otherwise be provided (if any) under section 8421.

"(d) An employee or Member who, at the time of retiring under this subchapter—

"(1) is married, shall be ineligible to make an election under this section unless a waiver is made under section 8416(a); or

"(2) has a former spouse, shall be ineligible to make an election under this section if the former spouse is entitled to benefits under section 8445 or 8467 (based on the service of the employee or Member) under the terms of a decree of divorce or annulment, or a court order or court-approved property settlement incident to any such decree, with respect to which the Office has been duly notified.

"(e) An employee or Member who is married at the time of retiring under this subchapter and who makes an election under this section may, during the 18-month period beginning on the date of retirement, make the election provided for under section 8416(d), subject to the deposit requirement thereunder.

"§ 8421. Annuity supplement

5 USC 8421.

"(a)(1) Subject to paragraph (3), an individual shall, if and while entitled to an annuity under subsection (a), (b), (d), or (e) of section 8412, or under section 8414(c), also be entitled to an annuity supplement under this section.

"(2) Subject to paragraph (3), an individual shall, if and while entitled to an annuity under section 8412(f), or under subsection (a) or (b) of section 8414, also be entitled to an annuity supplement under this section if such individual is at least the applicable minimum retirement age under section 8412(h).

"(3)(A) An individual whose entitlement to an annuity under section 8412 or 8414 does not commence before age 62 is not entitled to an annuity supplement under this section.

"(B) An individual entitled to an annuity supplement under this section ceases to be so entitled after the last day of the month preceding the first month for which such individual would, on proper application, be entitled to old-age insurance benefits under title II of the Social Security Act, but not later than the last day of the month in which such individual attains age 62. 42 USC 401.

"(b)(1) The amount of the annuity supplement of an annuitant under this section for any month shall be equal to the product of—

"(A) an amount determined under paragraph (2), multiplied by

"(B) a fraction, as described in paragraph (3).

42 USC 403, 415.

100 STAT. 534

42 USC 414.

42 USC 402.

42 USC 415.

"(2) The amount under this paragraph for an annuitant is an amount equal to the old-age insurance benefit which would be payable to such annuitant under title II of the Social Security Act (without regard to sections 203, 215(a)(7), and 215(d)(5) of such Act) upon attaining age 62 and filing application therefor, determined as if the annuitant had attained such age and filed application therefor, and were a fully insured individual (as defined in section 214(a) of such Act), on January 1 of the year in which such annuitant's entitlement to any payment under this section commences, except that the reduction of such old-age insurance benefit under section 202(q) of such Act shall be the maximum applicable for an individual born in the same year as the annuitant. In computing the primary insurance amount under section 215 of such Act for purposes of this paragraph, the number of elapsed years (referred to in section 215(b)(2)(B)(iii) of such Act and used to compute the number of benefit computation years) shall not include years beginning with the year in which such annuitant's entitlement to any payment under this section commences, and—

"(A) only basic pay for service performed (if any) shall be taken into account in computing the total wages and self-employment income of the annuitant for a benefit computation year;

"(B) for a benefit computation year which commences after the date of the separation with respect to which entitlement to the annuitant's annuity under this subchapter is based and before the date as of which such annuitant is treated, under the preceding sentence, to have attained age 62, the total wages and self-employment income of such annuitant for such year shall be deemed to be zero; and

"(C) for a benefit computation year after age 21 which precedes the separation referred to in subparagraph (B), and during which the individual did not perform a full year of service, the total wages and self-employment income of such annuitant for such year shall be deemed to have been an amount equal to the product of—

"(i) the average total wages of all workers for that year, multiplied by

"(ii) a fraction—

"(I) the numerator of which is the total basic pay of the individual for service performed in the first year thereafter in which such individual performed a full year of service; and

"(II) the denominator of which is the average total wages of all workers for the year referred to in subclause (I).

"(3) The fraction under this paragraph for any annuitant is a fraction—

"(A) the numerator of which is the annuitant's total years of service (rounding a fraction to the nearest whole number, with ½ being rounded to the next higher number), not to exceed the number under subparagraph (B); and

"(B) the denominator of which is 40.

"(4) For the purpose of this subsection—

42 USC 415.

"(A) the term 'benefit computation year' has the meaning provided in section 215(b)(2)(B)(i) of the Social Security Act;

"(B) the term 'average total wages of all workers', for a year, means the average of the total wages, as defined and computed under section 215(b)(3)(A)(ii)(I) of the Social Security Act for such year; and

"(C) the term 'service' does not include military service.

"(c) An amount under this section shall, for purposes of section 8467, be treated in the same way as an amount computed under section 8415.

"§ 8421a. Reductions on account of earnings from work performed while entitled to an annuity supplement

5 USC 8421a.

100 STAT. 535

"(a) The amount of the annuity supplement to which an individual is entitled under section 8421 for any month (determined without regard to subsection (c) of such section) shall be reduced by the amount of any excess earnings of such individual which are required to be charged to such supplement for such month, as determined under subsection (b).

"(b) The amount of an individual's excess earnings shall be charged to months as follows:

"(1)(A) There shall be charged to each month of a year under subsection (a) an amount equal to the individual's excess earnings (as determined under paragraph (2) with respect to such year), divided by the number of the individual's supplement entitlement months for such year (as determined under paragraph (3)).

"(B) Notwithstanding subparagraph (A), the amount charged to a month under subsection (a) may not exceed the amount of the annuity supplement to which the individual is entitled under section 8421 for such month (determined without regard to subsection (c) of such section).

"(2) The excess earnings based on which reductions under subsection (a) shall be made with respect to an individual in a year—

"(A) shall be equal to 50 percent of so much of such individual's earnings for the immediately preceding year as exceeds the applicable exempt amount for such preceding year; but

"(B) may not exceed the total amount of the annuity supplement payments to which such individual was entitled for such preceding year under section 8421 (determined without regard to subsection (c) of such section, and without regard to this section).

"(3)(A) Subject to subparagraph (B), the number of an individual's supplement entitlement months for a year shall be 12.

"(B) The number determined under subparagraph (A) shall be reduced so as not to include any month after which such individual ceases to be entitled to an annuity supplement by reason of section 8421(a)(3)(B), relating to cessation of entitlement upon attaining age 62.

"(4)(A) For purposes of this section, and except as provided in subparagraph (B), the 'earnings' and the 'applicable exempt amount' of an individual shall be determined in a manner consistent with applicable provisions of section 203 of the Social Security Act.

42 USC 403.

"(B) For purposes of this section—

"(i) in determining the excess earnings of any individual, only earnings attributable to periods during which such individual was entitled to an annuity supplement under section 8421 shall be considered; and

"(ii) any earnings attributable to a period before attaining the applicable retirement age under section 8412(h) shall not be considered in determining the excess earnings of an individual who retires under section 8412 (d) or (e), or section 8414(c).

100 STAT. 536

"(c) If, after an individual ceases to be entitled to an annuity supplement under section 8421 by reason of subsection (a)(3)(B) of such section, any portion of the individual's excess earnings remains outstanding, an amount not to exceed 25 percent of the amount otherwise payable to such individual under this chapter for each month shall be deducted from such monthly payment until the full amount of that outstanding portion has been accounted for. To the extent practicable, reductions under this subsection shall be made by a level percentage.

Regulations.

"(d) The Office shall prescribe regulations under which this section shall be applied in the case of a reemployed annuitant.

5 USC 8422.

"§ 8422. Deductions from pay; contributions for military service

"(a)(1) The employing agency shall deduct and withhold from basic pay of each employee and Member a percentage of basic pay determined in accordance with paragraph (2).

"(2) The applicable percentage under this subsection for any pay period shall be—

"(A) in the case of an employee (other than a law enforcement officer, firefighter, air traffic controller, or Congressional employee) a percentage equal to—

"(i) 7 percent, minus

26 USC 3101.

"(ii) the percentage then in effect under section 3101(a) of the Internal Revenue Code of 1954 (relating to rate of tax for old-age, survivors, and disability insurance); and

"(B) in the case of a Member, law enforcement officer, firefighter, air traffic controller, or Congressional employee, a percentage equal to—

"(i) 7½ percent, minus

"(ii) the same percentage as would apply in the case of an employee under subparagraph (A)(ii).

"(b) Each employee or Member is deemed to consent and agree to the deductions under subsection (a). Notwithstanding any law or regulation affecting the pay of an employee or Member, payment less such deductions is a full and complete discharge and acquittance of all claims and demands for regular services during the period covered by the payment, except the right to any benefits under this subchapter, or under subchapter IV or V of this chapter, based on the service of the employee or Member.

"(c) The amounts deducted and withheld under this section shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe.

"(d) Under such regulations as the Office may prescribe, amounts deducted under subsection (a) shall be entered on individual retirement records.

"(e)(1) Each employee or Member who has performed military service before the date of the separation on which the entitlement to any annuity under this subchapter, or subchapter V of this chapter, is based may pay, in accordance with such regulations as the Office shall issue, to the agency by which the employee is employed, or, in the case of a Member or a Congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 3 percent of the amount of the basic pay paid under section 204 of title 37 to the employee or Member for each period of military service after December 1956.

The amount of such payments shall be based on such evidence of basic pay for military service as the employee or Member may provide, or if the Office determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based on estimates of such basic pay provided to the Office under paragraph (4).

"(2) Any deposit made under paragraph (1) more than two years after the later of—

"(A) January 1, 1987; or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e).

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Office as the Office may determine to be necessary for the administration of this subsection.

"§ 8423. Government contributions

5 USC 8423.

"(a)(1) Each employing agency having any employees or Members subject to section 8422(a) shall contribute to the Fund an amount equal to the sum of—

"(A) the product of—

"(i) the normal-cost percentage, as determined for employees (other than employees covered by subparagraph (B)), multiplied by

"(ii) the aggregate amount of basic pay payable by the agency, for the period involved, to employees (under clause (i)) who are within such agency; and

"(B) the product of—

"(i) the normal-cost percentage, as determined for Members, Congressional employees, law enforcement officers, firefighters, air traffic controllers, military reserve technicians, and employees under sections 302 and 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, multipled by

Post, pp. 625, 626.

"(ii) the aggregate amount of basic pay payable by the agency, for the period involved, to employees and Members (under clause (i)) who are within such agency.

"(2) In determining any normal-cost percentage to be applied under this subsection, amounts provided for under section 8422 shall be taken into account.

"(3) Contributions under this subsection shall be paid—

"(A) in the case of law enforcement officers, firefighters, air traffic controllers, military reserve technicians, and other employees, from the appropriation or fund used to pay such law enforcement officers, firefighters, air traffic controllers, military reserve technicians, or other employees, respectively;

"(B) in the case of elected officials, from an appropriation or fund available for payment of other salaries of the same office or establishment; and

"(C) in the case of employees of the legislative branch paid by the Clerk of the House of Representatives, from the contingent fund of the House.

"(4) A contribution to the Fund under this subsection shall be deposited under such procedures as the Comptroller General of the United States may prescribe.

"(b)(1) The Office shall compute—

"(A) the amount of the supplemental liability of the Fund with respect to individuals other than those to whom subparagraph (B) relates, and

"(B) the amount of the supplemental liability of the Fund with respect to current or former employees of the United States Postal Service (and the Postal Rate Commission) and their survivors;

as of the close of each fiscal year beginning after September 30, 1987.

"(2) The amount of any supplemental liability computed under paragraph (1)(A) or (1)(B) shall be amortized in 30 equal annual installments, with interest computed at the rate used in the most recent valuation of the System.

"(3) At the end of each fiscal year, the Office shall notify—

"(A) the Secretary of the Treasury of the amount of the installment computed under this subsection for such year with respect to individuals under paragraph (1)(A); and

"(B) the Postmaster General of the United States of the amount of the installment computed under this subsection for such year with respect to individuals under paragraph (1)(B).

"(4)(A) Before closing the accounts for a fiscal year, the Secretary of the Treasury shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the amount under paragraph (3)(A) for such year.

"(B) Upon receiving notification under paragraph (3)(B), the United States Postal Service shall pay the amount specified in such notification to the Fund.

"(5) For the purpose of carrying out paragraph (1) with respect to any fiscal year, the Office may—

"(A) require the Board of Actuaries of the Civil Service Retirement System to make actuarial determinations and valuations, make recommendations, and maintain records in the same manner as provided in section 8347(f); and

"(B) use the latest actuarial determinations and valuations made by such Board of Actuaries.

"(c) Under regulations prescribed by the Office, the head of an agency may request reconsideration of any amount determined to be payable with respect to such agency under subsection (a) or (b). Any such request shall be referred to the Board of Actuaries of the Civil Service Retirement System. The Board of Actuaries shall review the computations of the Office and may make any adjustment with respect to any such amount which the Board determines appropriate. A determination by the Board of Actuaries under this subsection shall be final.

100 STAT. 539

5 USC 8424.

"§ 8424. Lump-sum benefits; designation of beneficiary; order of precedence

"(a) Subject to subsection (b), an employee or Member who—

"(1)(A) is separated from the service for at least 31 consecutive days; or

"(B) is transferred to a position in which the individual is not subject to this chapter and remains in such a position for at least 31 consecutive days;

"(2) files an application with the Office for payment of the lump-sum credit;

"(3) is not reemployed in a position in which the individual is subject to this chapter at the time of filing the application; and

"(4) will not become eligible to receive an annuity within 31 days after filing the application;

is entitled to be paid the lump-sum credit. Except as provided in section 8420a, payment of the lump-sum credit to an employee or Member voids all annuity rights under this subchapter, and subchapters IV and V of this chapter, based on the service on which the lump-sum credit is based.

"(b)(1) Payment of the lump-sum credit under subsection (a)—

"(A) may be made only if any current spouse and any former spouse of the employee or Member are notified of the application by the employee or Member; and

"(B) in any case in which there is a former spouse, shall be subject to the terms of a court decree of divorce, annulment, or legal separation issued with respect to such former spouse if—

"(i) the decree expressly relates to any portion of the lump-sum credit involved; and

"(ii) payment of the lump-sum credit would affect any right or interest of the former spouse with respect to a survivor annuity under section 8445, or to any portion of an annuity under section 8467.

Regulations.

"(2)(A) Notification of a spouse or former spouse under this subsection shall be made in accordance with such requirements as the Office shall by regulation prescribe.

"(B) Under the regulations, the Office may provide that paragraph (1)(A) may be waived with respect to a spouse or former spouse if the employee or Member establishes to the satisfaction of the Office that the whereabouts of such spouse or former spouse cannot be determined.

Regulations.

"(3) The Office shall prescribe regulations under which this subsection shall be applied in any case in which the Office receives two or more orders or decrees referred to in paragraph (1)(B)(i).

"(c) Under regulations prescribed by the Office, an employee or Member, or a former employee or Member, may designate one or more beneficiaries under this section.

"(d) Lump-sum benefits authorized by subsections (e) through (g) shall be paid to the individual or individuals surviving the employee or Member and alive at the date title to the payment arises in the following order of precedence, and the payment bars recovery by any other individual:

"First, to the beneficiary or beneficiaries designated by the employee or Member in a signed and witnessed writing received in the Office before the death of such employee or Member. For this purpose, a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed has no force or effect.

100 STAT. 540

"Second, if there is no designated beneficiary, to the widow or widower of the employee or Member.

"Third, if none of the above, to the child or children of the employee or Member and descendants of deceased children by representation.

"Fourth, if none of the above, to the parents of the employee or Member or the survivor of them.

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of the employee or Member.

"Sixth, if none of the above, to such other next of kin of the employee or Member as the Office determines to be entitled under the laws of the domicile of the employee or Member at the date of death of the employee or Member.

For the purpose of this subsection, 'child' includes a natural child and an adopted child, but does not include a stepchild.

"(e) If an employee or Member, or former employee or Member, dies—

"(1) without a survivor, or

"(2) with a survivor or survivors and the right of all survivors under subchapter IV terminates before a claim for survivor annuity under such subchapter is filed,

the lump-sum credit shall be paid.

"(f) If all annuity rights under this chapter (other than under subchapter III of this chapter) based on the service of a deceased employee or Member terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid.

"(g) If an annuitant dies, annuity accrued and unpaid shall be paid.

"(h) Annuity accrued and unpaid on the termination, except by death, of the annuity of an annuitant or survivor shall be paid to that individual. Annuity accrued and unpaid on the death of a survivor shall be paid in the following order of precedence, and the payment bars recovery by any other person:

"First, to the duly appointed executor or administrator of the estate of the survivor.

"Second, if there is no executor or administrator, payment may be made, after 30 days from the date of death of the survivor, to such next of kin of the survivor as the Office determines to be entitled under the laws of the domicile of the survivor at the date of death.

5 USC 8425.

"§ 8425. Mandatory separation

"(a) An air traffic controller who is otherwise eligible for immediate retirement under section 8412(e) shall be separated from the service on the last day of the month in which that air traffic controller becomes 56 years of age or completes 20 years of service if then over that age. The Secretary, under such regulations as the Secretary may prescribe, may exempt a controller having exceptional skills and experience as a controller from the automatic separation provisions of this subsection until that controller becomes 61 years of age. The Secretary shall notify the controller in writing of the date of separation at least 60 days before that date. Action to separate the controller is not effective, without the consent of the controller, until the last day of the month in which the 60-day notice expires.

100 STAT. 541

"(b) A law enforcement officer or firefighter who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which that law enforcement officer or firefighter becomes 55 years of age or completes 20 years of service if then over that age. If the head of the agency judges that the public interest so requires, that agency head may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age. The employing office shall notify the employee in writing of the date of separation at least 60 days before that date. Action to separate the employee is not effective, without the consent of the employee, until the last day of the month in which the 60-day notice expires.

President of U.S.

"(c) The President, by Executive order, may exempt an employee from automatic separation under this section if the President determines the public interest so requires.

"SUBCHAPTER III—THRIFT SAVINGS PLAN

5 USC 8431.

"§ 8431. Definition

"Notwithstanding section 8401 of this title, for the purpose of this subchapter, the term 'basic pay', when used with respect to an employee or Member, means the basic pay of the employee or Member established pursuant to law, without regard to any provision of law (except sections 5308 and 5382(b) of this title) limiting the rate of pay actually payable in any pay period (including any provision of law restricting the use of appropriated funds).

5 USC 8432.

"§ 8432. Contributions

"(a) An employee or Member may contribute to the Thrift Savings Fund in any pay period, pursuant to an election under subsection (b)(1), an amount not to exceed 10 percent of such individual's basic pay for such period. Contributions made under this subsection during any 6-month period for which an election period is provided under subsection (b)(1) shall be made each pay period during such 6-month period pursuant to a program of regular contributions provided in regulations prescribed by the Executive Director.

Regulations.

"(b)(1)(A) The Executive Director shall prescribe regulations under which employees and Members shall be afforded a reasonable period every 6 months to elect to make contributions under subsection (a), to modify the amount to be contributed under such subsection, or to terminate such contributions. An election to make such contributions shall remain in effect until modified or terminated.

"(B) The amount to be contributed pursuant to an election under subparagraph (A) shall be the percentage of basic pay or amount designated by the employee or Member.

"(2) Under the regulations—

"(A) an employee or Member who has not previously been eligible to make an election under this subsection shall not become so eligible until the second period (described in paragraph (1)) beginning after the date of commencing service as an employee or Member;

"(B) an employee or Member whose appointment or election to a position or office in the Federal Government follows a previous period of service during which that individual met the requirements of subparagraph (A) shall be eligible to make an election under this subsection notwithstanding any period of separation;

100 STAT. 542

"(C) an employee or Member who elects under subparagraph (D) to terminate contributions shall not again become eligible to make an election under this subsection until the second period (described in paragraph (1)) commencing after the election to terminate; and

"(D) an election to terminate may be made under this subparagraph at any time other than during a period afforded under paragraph (1).

"(3) Notwithstanding paragraph (2)(A), an employee or Member who elects to become subject to this chapter under section 301 of the Federal Employees' Retirement System Act of 1986 may make the first election for the purpose of subsection (a) during the period prescribed for such purpose by the Executive Director. The period prescribed by the Executive Director shall commence on the date on which the employee or Member makes the election to become subject to this chapter.

"(4) Notwithstanding paragraph (2)(A), an employee or Member who is an employee or Member on January 1, 1987, and has creditable service described in section 8411(b)(2) of this title may make the first election for the purpose of subsection (a) during the election period prescribed for such purpose by the Executive Director. The Executive Director shall prescribe an election period for such purpose which shall commence on January 1, 1987. An election by such an employee or Member during that election period shall be effective on the first day of the employee's or Member's first pay period which begins after the last day of that election period.

"(c)(1) At the end of the pay period that includes the first date on which an employee or Member may make contributions under subsection (a) (without regard to whether the employee or Member has elected to make such contributions during such pay period), and at the end of each succeeding pay period, the employing agency shall contribute to the Thrift Savings Fund for the benefit of such employee or Member the amount equal to 1 percent of the basic pay of such employee or Member for such pay period.

"(2)(A) In addition to contributions made under paragraph (1), the employing agency of an employee or Member who contributes to the Thrift Savings Fund under subsection (a) for any pay period shall make a contribution to the Thrift Savings Fund for the benefit of such employee or Member. The employing agency's contribution shall be made at the end of such pay period.

"(B) The amount contributed under subparagraph (A) by an employing agency with respect to a contribution of an employee or Member during any pay period shall be the amount equal to the sum of—

"(i) such portion of the total amount of the employee's or Member's contribution as does not exceed 3 percent of such employee's or Member's basic pay for such period; and

"(ii) one-half of such portion of the amount of the employee's or Member's contribution as exceeds 3 percent, but does not exceed 5 percent, of such employee's or Member's basic pay for such pay period.

"(3)(A) There shall be contributed to the Thrift Savings Fund on behalf of each employee or Member described in subparagraph (B) the amount determined under subparagraph (C).

100 STAT. 543

"(B) An employee or Member referred to in subparagraph (A) is an employee or Member who—

"(i) is an employee or Member on January 1, 1987;

"(ii) has creditable service described in section 8411(b)(2) of this title; and

"(iii) has not received a refund of the amount of the retirement deductions made with respect to such service under section 204 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983.

5 USC 8331 note.

"(C) The amount referred to in subparagraph (A) in the case of an employee or Member is equal to the sum of—

"(i) 1 percent of the total basic pay paid to such employee or Member for service described in section 8411(b)(2) of this title; and

"(ii) interest on such amount computed with respect to such service in the manner provided in paragraphs (2) and (3) of section 8334(e) of this title.

"(D) The Secretary of the Treasury shall credit to the Thrift Savings Fund, out of any sums in the Treasury not otherwise appropriated, the amounts determined by the Director to be necessary to carry out this paragraph.

"(d) Notwithstanding any other provision of this section, no contribution may be made under this section for any year to the extent that such contribution, when added to prior contributions for such year, exceeds any limitation under section 415 of the Internal Revenue Code of 1954.

26 USC 415.

"(e) The sums required to be contributed to the Thrift Savings Fund by an employing agency under subsection (c) for the benefit of an employee or Member shall be paid from the appropriation or fund available to such agency for payment of salaries of the employee's or Member's office or establishment. When an employee or Member in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House of Representatives the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee or Member.

"(f) Amounts contributed by an employee or Member under subsection (a) and amounts contributed with respect to such employee or Member under subsection (c) shall be deposited in the Thrift Savings Fund to the credit of that employee's or Member's account in accordance with such procedures as the Comptroller General of the United States may, in consultation with the Executive Director, prescribe in regulations.

"(g)(1) Except as provided in paragraphs (2) and (3), all contributions made under this section shall be fully nonforfeitable when made.

"(2) Contributions made for the benefit of an employee under subsection (c)(1) and all earnings attributable to such contributions shall be forfeited if the employee separates from Government employment before completing—

"(A) 2 years of civilian service in the case of an employee who, at the time of separation, is serving in—

"(i) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)(7) of this title);

100 STAT. 544

"(ii) a position listed in section 5312, 5313, 5314, 5315, or 5316 of this title or a position placed in level IV or V of the Executive Schedule under section 5317 of this title; or

"(iii) a position in the Executive branch which is excepted from the competitive service by the Office by reason of the confidential and policy-determining character of the position; or

"(B) 3 years of civilian service in the case of an employee who is not serving in a position described in subparagraph (A) at the time of separation.

"(3) Contributions made for the benefit of a Member or Congressional employee under subsection (c)(1) and all earnings attributable to such contributions shall be forfeited if the Member or Congressional employee separates from Government employment before completing 2 years of civilian service.

"(h) No transfers or contributions may be made to the Thrift Savings Fund except as provided in this chapter or section 8351 of this title.

"§ 8433. Benefits and election of benefits

5 USC 8433.

"(a) An employee or Member who separates from Government employment is entitled to the amount of the balance in the employee's or Member's account (except for the portion of such amount forfeited under section 8432(g) of this title, if any) as provided in this section.

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment entitled to an immediate annuity under subchapter II of this chapter, any employee or Member who separates from Government employment entitled to benefits under subchapter I of chapter 81 of this title, and any employee or Member who is entitled to receive disability benefits under subchapter V of this chapter is entitled and may elect—

5 USC 8101.

"(1) to receive an immediate annuity from the Thrift Savings Fund;

"(2) to defer the commencement of the payment of an annuity from the Thrift Savings Fund until such date as the employee or Member specifies, but not later than April 1 of the year following the year in which the employee or Member becomes 70½ years of age;

"(3) to withdraw the amount of the balance in the employee's or Member's account in the Thrift Savings Fund in one or more substantially equal payments to be made not less frequently than annually and to commence before April 1 of the year following the year in which the employee or Member becomes 70½ years of age; or

"(4) to transfer the amount of the balance in the employee's or Member's account to an eligible retirement plan as provided in subsection (e).

"(c) Subject to section 8435 of this title, any employee or Member who separates from Government employment entitled to a deferred annuity under subchapter II of this chapter is entitled and may elect—

"(1) to receive an immediate annuity from the Thrift Savings Fund;

"(2) to defer the commencement of the payment of an annuity from the Thrift Savings Fund until such date as the employee or Member specifies, but not later than April 1 of the year following the year in which the employee or Member becomes 70½ years of age;

"(3) to withdraw the amount of the balance in the employee's or Member's account in the Thrift Savings Fund in one or more substantially equal payments to be made not less frequently than annually and to commence during any period which (A) commences on or after the date on which payment of the employee's or Member's annuity under subchapter II of this chapter commences, and (B) ends not later than April 1 of the year following the year in which the employee or Member becomes 70½ years of age; or

"(4) to transfer the amount of the balance in the employee's or Member's account to an eligible retirement plan as provided in subsection (e).

"(d) Subject to section 8435 of this title, any employee or Member who separates from Government employment before becoming entitled to a deferred annuity under subchapter II of this chapter shall transfer the amount of the balance in the employee's or Member's account to an eligible retirement plan as provided in subsection (e).

"(e)(1) The Executive Director shall make each transfer elected under subsection (b)(4) or (c)(4) or required under subsection (d) directly to an eligible retirement plan or plans (as defined in section 402(a)(5)(E) of the Internal Revenue Code of 1954) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

26 USC 402.

"(2) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (1) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.

"(f)(1) Subject to paragraph (3)(A) and subsections (a) and (d) of section 8435 of this title, an employee or Member may change an election previously made under this subchapter.

"(2) Subject to paragraph (3)(B) and section 8435(d) of this title, a former employee or Member who has made an election pursuant to subsection (b)(2) or (c)(2) may modify the date specified in such election or in a previous modification under this paragraph.

"(3)(A) A former employee or Member may not change an election under this section on or after the date on which a payment is made in accordance with such election or, in the case of an election to receive an annuity, the date on which an annuity elected by the former employee or Member commences.

"(B) A modification of a date may not be made under paragraph (2) on or after such date and may not specify a date for the commencement of an annuity earlier than 1 month after the date on which the modification is submitted to the Executive Director.

"(g) If an employee or Member (or former employee or Member) dies without having made an election under this section or after having elected an annuity under this section but before making an election under section 8434 of this title, an amount equal to the value of that individual's account (as of death) shall, subject to any decree, order, or agreement referred to in section 8435(d)(2) of this title be paid in a manner consistent with section 8424(d) of this title.

"(h) Unless otherwise elected under this section, benefits under this subchapter shall be paid as an annuity commencing for an employee, Member, former employee, or former Member on February 1 of the year following the latest of the year in which—

100 STAT. 546

"(1) the employee, Member, former employee, or former Member becomes 65 years of age;

"(2) occurs the tenth anniversary of the year in which the employee, Member, former employee, or former Member became subject to this subchapter; or

"(3) the employee, Member, former employee, or former Member separates from Government employment.

"(i)(1) At any time after December 31, 1987, and before separation, an employee or Member may apply to the Board for permission to borrow from the employee's or Member's account an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(2) An application under this subsection may be approved only for—

"(A) the purchase of a primary residence;

"(B) educational expenses;

"(C) medical expenses; or

"(D) financial hardship.

"(3) Loans under this subsection shall be subject to such conditions as the Board may prescribe consistent with section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)). The conditions shall be included in regulations issued by the Executive Director.

"(4) A loan may not be made under this subsection to the extent that the loan would be treated as a taxable distribution under section 72(p) of the Internal Revenue Code of 1954.

26 USC 72.

"(5) A loan may not be made under this subsection unless the requirements of section 8435(f) of this title are satisfied.

"§ 8434. Annuities: methods of payment; election; purchase 5 USC 8434.

"(a)(1) The Board shall prescribe methods of payment of annuities under this subchapter.

"(2) The methods of payment prescribed under paragraph (1) shall include, but not be limited to—

"(A) a method which provides for the payment of a monthly annuity only to an annuitant during the life of the annuitant;

"(B) a method which provides for the payment of a monthly annuity to an annuitant for the joint lives of the annuitant and the spouse of the annuitant and an appropriate monthly annuity to the one of them who survives the other of them for the life of the survivor;

"(C) a method described in subparagraph (A) which provides annual increases in the amount of the annuity payable;

"(D) a method described in subparagraph (B) which provides annual increases in the amount of the annuity payable; and

"(E) a method which provides for the payment of a monthly annuity—

"(i) to the annuitant for the joint lives of the annuitant and an individual who is designated by the annuitant under regulations prescribed by the Executive Director and (I) is a former spouse of the annuitant, or (II) has an insurable interest in the annuitant; and

"(ii) to the one of them who survives the other of them for the life of the survivor.

"(b) Subject to section 8435(c) of this title, under such regulations as the Executive Director shall prescribe, an employee, Member, former employee, or former Member who elects under section 8433 of this title to receive an annuity under this subchapter shall elect, on or before the date on which the annuity commences, one of the methods of payment prescribed under subsection (a). Regulations.

"(c) Notwithstanding an elimination of a method of payment by the Board—

"(1) an employee, Member, former employee, or former Member who is entitled under section 8412 of this title to an immediate annuity not reduced under section 8415(f) of this title may elect the eliminated method if the elimination of such method became effective less than 5 years before the date on which the annuity commences; and

"(2) any other employee, Member, former employee, or former Member may elect such method of payment for amounts contributed by or on behalf of the employee, Member, former employee, or former Member under section 8432 of this title before such effective date and for earnings attributable to such amounts.

"(d)(1) At the time an annuity is to commence under this subchapter, the Executive Director shall expend the balance in the annuitant's account to purchase an annuity contract from any entity which, in the normal course of its business, sells and provides annuities.

"(2) The Executive Director shall assure, by contract entered into with each entity from which an annuity contract is purchased under paragraph (1), that the annuity shall be provided in accordance with the provisions of this subchapter and subchapter VII of this chapter. Contracts.

"(3) An annuity contract purchased under paragraph (1) shall include such terms and conditions as the Executive Director requires for the protection of the annuitant.

"(4) The Executive Director shall require, from each entity from which an annuity contract is purchased under paragraph (1), a bond or proof of financial responsibility sufficient to protect the annuitant.

5 USC 8435.

"§ 8435. Protections for spouses and former spouses

"(a)(1)(A) A married employee or Member (or former employee or Member) may make an election under subsection (b)(3), (b)(4), (c)(3), or (c)(4) of section 8433 of this title or change an election previously made under subsection (b)(1), (b)(2), (c)(1), or (c)(2) of such section only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).

"(B) An employee or Member (or former employee or Member) may make an election or change referred to in subparagraph (A) if the employee or Member and the employee's or Member's spouse (or the former employee or Member and the former employee's or Member's spouse) jointly waive, by written election, any right which the spouse may have to a survivor annuity with respect to such employee or Member (or former employee or Member) under section 8434 of this title or subsection (c).

"(2) Paragraph (1) shall not apply to an election or change of election by an employee or Member (or former employee or Member) who establishes to the satisfaction of the Executive Director (at the time of the election or change and in accordance with regulations prescribed by the Executive Director)—

100 STAT. 548

"(A) that the spouse's whereabouts cannot be determined; or

"(B) that, due to exceptional circumstances, requiring the spouse's waiver would otherwise be inappropriate.

"(b)(1) Except as provided in paragraph (2), a transfer may be made by an employee or Member (or former employee or Member) under section 8433(d) of this title only after the Executive Director notifies any current spouse and each former spouse of the employee or Member (or former employee or Member), if any, that the transfer is to be made.

"(2) Paragraph (1) may be waived with respect to a spouse or former spouse if the employee or Member (or former employee or Member) establishes to the satisfaction of the Executive Director that the whereabouts of such spouse or former spouse cannot be determined.

"(c)(1) Notwithstanding any election under subsection (b) of section 8434 of this title, the method described in subsection (a)(2)(B) of such section (or, if more than one form of such method is available, the form which the Board determines to be the one which provides for a surviving spouse a survivor annuity most closely approximating the annuity of a surviving spouse under section 8442 of this title) shall be deemed the applicable method under such subsection (b) in the case of an employee, Member, former employee, or former Member who is married on the date on which the employee's, Member's, former employee's, or former Member's annuity commences under this subchapter.

"(2) Paragraph (1) shall not apply—

"(A) in the case of an employee or Member retiring under section 8412, 8413, 8414, or 8451 of this title if—

"(i) a joint waiver of such method is made, in writing, by the employee or Member and the spouse; or

"(ii) the employee or Member waives such method, in writing, after establishing to the satisfaction of the Executive Director that circumstances described in subsection (a)(2)(A) or (a)(2)(B) make the requirement of a joint waiver inappropriate; or

"(B) in the case of an employee or Member not covered by subparagraph (A), if the employee or Member waives such method after—

"(i) having provided notification to the spouse of intent to waive; or

"(ii) establishing to the satisfaction of the Executive Director that the whereabouts of such spouse cannot be determined.

"(d)(1) An election, change of election, or modification of the commencement date of a deferred annuity shall not be effective under this subchapter and a transfer may not be made under section 8433(d) of this title to the extent that the election, change, modification, or transfer conflicts with any court decree, order, or agreement described in paragraph (2).

"(2) A court decree, order, or agreement referred to in paragraph (1) is, with respect to an employee or Member (or former employee or Member), a court decree of divorce, annulment, or legal separation issued in the case of such employee or Member (or former employee or Member) and any former spouse of the employee or Member (or former employee or Member) or any court order or court-approved property settlement agreement incident to such decree if—

"(A) the decree, order, or agreement expressly relates to any portion of the balance in the employee's or Member's (or former employee's or Member's) account; and

"(B) notice of the decree, order, or agreement was received by the Executive Director before—

"(i) the date on which payment is made, or

"(ii) in the case of an annuity, the date on which the annuity commences,

in accordance with the election, change, modification, or contribution referred to in paragraph (1).

Regulations.

"(3) The Executive Director shall prescribe regulations under which this subsection shall be applied in any case in which the Executive Director receives two or more decrees, orders, or agreements referred to in paragraph (1).

"(e)(1) Subject to paragraphs (2) through (7), a former spouse of a deceased employee or Member (or a deceased former employee or Member) who died after performing 18 or more months of service and a former spouse of a deceased former employee or Member who died entitled to an immediate or deferred annuity under subchapter II of this chapter is entitled to a survivor annuity under this subsection if and to the extent that—

"(A) an election under section 8434(a)(2)(E) of this title, or

"(B) any court decree, order, or agreement (described in subsection (d)(2), without regard to subparagraph (B) of such subsection) which relates to such deceased individual and such former spouse,

expressly provides for such survivor annuity.

"(2) Paragraph (1) shall apply only to payments made by the Executive Director after the date on which the Executive Director receives written notice of the election, decree, order, or agreement, and such additional information and documentation as the Executive Director may require.

"(3) The amount of the survivor annuity payable from the Thrift Savings Fund to a former spouse of a deceased employee, Member, former employee, or former Member under this section may not exceed the excess, if any, of—

"(A) the amount of the survivor annuity determined for a surviving spouse of the deceased employee, Member, former employee, or former Member under the method described in subsection (c)(1), over

"(B) the total amount of all other survivor annuities payable under this subchapter to other former spouses of such deceased employee, Member, former employee, or former Member based on the order of precedence provided in paragraph (4).

"(4) If more than one former spouse of a deceased employee, Member, former employee, or former Member is entitled to a survivor annuity pursuant to this subsection, the amount of each such survivor annuity shall be limited appropriately to carry out paragraph (3) in the order of precedence established for the entitlements by the chronological order of the dates on which elections are properly made pursuant to section 8434(a)(2)(E) of this title and the dates on which the court decrees, orders, or agreements applicable to the entitlement were issued, as the case may be.

"(5) Subsections (c) and (d) of section 8445 of this title shall apply to an entitlement of a former spouse to a survivor annuity under this subsection.

"(6) For the purposes of this section, a court decree, order, or agreement or an election referred to in subsection (a) of this section shall not be effective, in the case of a former spouse, to the extent that the election is inconsistent with any joint waiver previously executed with respect to such former spouse under subsection (a)(2) or (c)(2).

"(7) Any payment under this subsection to any individual bars recovery by any other individual.

Loans.

"(f)(1)(A) A loan may be made to a married employee or Member under section 8433(i) of this title only if the employee's or Member's spouse consents to such loan in writing.

"(B) A consent under subparagraph (A) shall be irrevocable with respect to the loan to which the consent relates.

"(C) Subparagraph (A) shall not apply to a loan to an employee or Member who establishes to the satisfaction of the Executive Director (at the time the employee or Member applies for such loan and in accordance with regulations prescribed by the Executive Director)—

"(i) that the spouse's whereabouts cannot be determined; or

"(ii) that, due to exceptional circumstances, requiring the employee or Member to seek the spouse's consent would otherwise be inappropriate.

"(2) An application for a loan under section 8433(i) of this title shall not be approved if approval would have the result described in subsection (d)(1).

"(g) Waivers and notifications required by this section and waivers of the requirements for such waivers and notifications (as authorized by this section) may be made only in accordance with procedures prescribed by the Executive Director.

"(h) The protections provided by this section are in addition to the protections provided by section 8467 of this title.

5 USC 8436.

"§ 8436. Administrative provisions

"(a) The Executive Director shall make or provide for payments and transfers in accordance with an election of an employee or Member under section 8433 or 8434(b) of this title or, if applicable, in accordance with section 8435 of this title.

"(b) Any election, change of election, or modification of a deferred annuity commencement date made under this subchapter shall be in writing and shall be filed with the Executive Director in accordance with regulations prescribed by the Executive Director.

5 USC 8437.

"§ 8437. Thrift Savings Fund

"(a) There is established in the Treasury of the United States a Thrift Savings Fund.

"(b) The Thrift Savings Fund consists of the sum of all amounts contributed under section 8432 of this title and all amounts deposited under section 8479(b) of this title, increased by the total net earnings from investments of sums in the Thrift Savings Fund or reduced by the total net losses from investments of the Thrift Savings Fund, and reduced by the total amount of payments made from the Thrift Savings Fund (including payments for administrative expenses).

"(c) The sums in the Thrift Savings Fund are appropriated and shall remain available without fiscal year limitation—

"(1) to invest under section 8438 of this title;

"(2) to pay benefits or purchase annuity contracts under this subchapter; 100 STAT. 551

"(3) to pay the administrative expenses of the Federal Retirement Thrift Investment Management System prescribed in subchapter VII of this chapter;

"(4) to make distributions for the purposes of section 8440(b) of this title;

"(5) to make loans to employees and Members as authorized under section 8433(i) of this title; and

"(6) to purchase insurance as provided in section 8479(b)(2) of this title.

"(d) Administrative expenses incurred to carry out this subchapter and subchapter VII of this chapter shall be paid first out of any sums in the Thrift Savings Fund forfeited under section 8432(g) of this title and then out of net earnings in such Fund attributable to sums contributed to such Fund under section 8432(c) of this title.

"(e)(1) Subject to paragraphs (2) and (3), sums in the Thrift Savings Fund credited to the account of an employee, Member, former employee, or former Member may not be used for, or diverted to, purposes other than for the exclusive benefit of the employee, Member, former employee, or former Member or his beneficiaries under this subchapter.

"(2) Except as provided in paragraph (3), sums in the Thrift Savings Fund may not be assigned or alienated and are not subject to execution, levy, attachment, garnishment, or other legal process. For the purposes of this paragraph, a loan made from such Fund to an employee or Member shall not be considered to be an assignment or alienation.

Child support. Alimony. Law enforcement and crime.

"(3) Moneys due or payable from the Thrift Savings Fund to any individual and, in the case of an individual who is an employee or Member (or former employee or Member), the balance in the account of the employee or Member (or former employee or Member) shall be subject to legal process for the enforcement of the individual's legal obligations to provide child support or make alimony payments as provided in section 459 of the Social Security Act (42 U.S.C. 659).

"(f) The sums in the Thrift Savings Fund shall not be appropriated for any purpose other than the purposes specified in this section and may not be used for any other purpose.

"(g) All sums contributed to the Thrift Savings Fund by an employee or Member or by an employing agency for the benefit of such employee or Member and all net earnings in such Fund attributable to investment of such sums are held in such Fund in trust for such employee or Member.

"§ 8438. Investment of Thrift Savings Fund

5 USC 8438.

"(a) For the purposes of this section—

"(1) the term 'Common Stock Index Investment Fund' means the Common Stock Index Investment Fund established under subsection (b)(1)(C);

"(2) the term 'equity capital' means common and preferred stock, surplus, undivided profits, contingency reserves, and other capital reserves;

"(3) the term 'Fixed Income Investment Fund' means the Fixed Income Investment Fund established under subsection (b)(1)(B);

100 STAT. 552

"(4) the term 'Government Securities Investment Fund' means the Government Securities Investment Fund established under subsection (b)(1)(A);

"(5) the term 'net worth' means capital, paid-in and contributed surplus, unassigned surplus, contingency reserves, group contingency reserves, and special reserves;

"(6) the term 'plan' means an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3));

"(7) the term 'qualified professional asset manager' means—

"(A) a bank, as defined in section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(2)) which—

"(i) has the power to manage, acquire, or dispose of assets of a plan; and

"(ii) has, as of the last day of its latest fiscal year ending before the date of a determination for the purpose of this clause, equity capital in excess of $1,000,000;

"(B) a savings and loan association, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, which—

"(i) has applied for and been granted trust powers to manage, acquire, or dispose of assets of a plan by a State or Government authority having supervision over savings and loan associations; and

"(ii) has, as of the last day of its latest fiscal year ending before the date of a determination for the purpose of this clause, equity capital or net worth in excess of $1,000,000;

"(C) an insurance company which—

"(i) is qualified under the laws of more than one State to manage, acquire, or dispose of any assets of a plan;

"(ii) has, as of the last day of its latest fiscal year ending before the date of a determination for the purpose of this clause, net worth in excess of $1,000,000; and

"(iii) is subject to supervision and examination by a State authority having supervision over insurance companies; or

"(D) an investment adviser registered under section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3) if the investment adviser has, on the last day of its latest fiscal year ending before the date of a determination for the purpose of this subparagraph, total client assets under its management and control in excess of $50,000,000, and—

"(i) the investment adviser has, on such day, shareholder's or partner's equity in excess of $750,000; or

"(ii) payment of all of the investment adviser's liabilities, including any liabilities which may arise by reason of a breach or violation of a duty described in section 8477 of this title, is unconditionally guaranteed by—

"(I) a person (as defined in section 8471(4) of this title) who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the investment adviser and who has, on the last day of the person's latest fiscal year ending before the date of a determination for the purpose of this clause, shareholder's or partner's equity in an amount which, when added to the amount of the shareholder's or partner's equity of the investment adviser on such day, exceeds $750,000;

"(II) a qualified professional asset manager described in subparagraph (A), (B), or (C); or

15 USC 78o.

"(III) a broker or dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) that has, on the last day of the broker's or dealer's latest fiscal year ending before the date of a determination for the purpose of this clause, net worth in excess of $750,000; and

"(8) the term 'shareholder's or partner's equity', as used in paragraph (7)(D) with respect to an investment adviser or a person (as defined in section 8471(4) of this title) who is affiliated with the investment adviser in a manner described in clause (ii)(I) of such paragraph (7)(D), means the equity shown in the most recent balance sheet prepared for such investment adviser or affiliated person, in accordance with generally accepted accounting principles, within 2 years before the date on which the investment adviser's status as a qualified professional asset manager is determined for the purposes of this section.

"(b)(1) The Board shall establish—

"(A) a Government Securities Investment Fund under which sums in the Thrift Savings Fund are invested in securities of the United States Government issued as provided in subsection (f);

"(B) a Fixed Income Investment Fund under which sums in the Thrift Savings Fund are invested in—

"(i) insurance contracts;

"(ii) certificates of deposits; or

"(iii) other instruments or obligations selected by qualified professional asset managers,

which return the amount invested and pay interest, at a specified rate or rates, on that amount during a specified period of time; and

"(C) a Common Stock Index Investment Fund as provided in paragraph (2).

"(2)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which is a reasonably complete representation of the United States equity markets.

"(B) The Common Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index selected under subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Common Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(c)(1) Subject to subsection (e), the Executive Director shall invest the sums available in the Thrift Savings Fund for investment as provided in elections made under subsection (d). 100 STAT. 554

"(2) If an election has not been made with respect to any sums in the Thrift Savings Fund available for investment, the Executive Director shall invest such sums in the Government Securities Investment Fund.

"(d)(1) At least twice each year, an employee or Member (or former employee or Member) may elect the investment funds referred to in subsection (b) into which the sums in the Thrift Savings Fund credited to such individual's account and not subject to subsection (e) are to be invested or reinvested.

"(2) An election may be made under paragraph (1) only in accordance with regulations prescribed by the Executive Director and within such period as the Executive Director shall provide in such regulations.

"(e)(1)(A) During each year specified under column 1 of table I set out in subparagraph (D), the Executive Director shall invest, with respect to each employee, Member, former employee, and former Member not less than the percentage determined under subparagraph (B) of the amount described in subparagraph (C) in the Government Securities Investment Fund.

"(B) For the purposes of subparagraph (A), the minimum percentage applicable to investments during a year specified under column 1 of table I is the percentage which corresponds to such year under column 2 of table I.

"(C) The amount to be invested as provided in subparagraph (A) in any year specified under column 1 of table I is the total amount contributed to the Thrift Savings Fund by an employee, Member, former employee, or former Member under section 8432(a) of this title and available for investment during such year.

"(D) Table I is as follows:

"TABLE I

"Column 1 Year:	Column 2 Minimum percentage:
1987	100
1988	80
1989	60
1990	40
1991	20.

"(2)(A) During each year specified under column 1 of table II set out in subparagraph (D), the Executive Director shall invest, with respect to each employee, Member, former employee, and former Member not less than the percentage determined under subparagraph (B) of the amount described in subparagraph (C) in the Government Securities Investment Fund.

"(B) For the purposes of subparagraph (A), the minimum percentage applicable to investments during a year specified under column 1 of table II is the percentage which corresponds to such year under column 2 of table II.

"(C) The amount to be invested as provided in subparagraph (A) in any year specified under column 1 of table II is the total amount contributed to the Thrift Savings Fund for the benefit of an employee, Member, former employee, or former Member under section 8432(c) of this title and available for investment during such year.

100 STAT. 555 "(D) Table II is as follows:

"TABLE II

"Column 1 Year:	Column 2 Minimum percentage:
1987-1992	100
1993	80
1994	60
1995	40
1996	20.

"(3)(A) Before 1992, the sums invested in the Government Securities Investment Fund as required by paragraph (1) and the earnings attributable to the investment of such sums may not be reinvested in any investment fund other than the Government Securities Investment Fund.

"(B) Before 1997, the sums invested in the Government Securities Investment Fund as required by paragraph (2) and the earnings attributable to the investment of such sums may not be reinvested in any investment fund other than the Government Securities Investment Fund.

"(f)(1) The Secretary of the Treasury is authorized to issue special interest-bearing obligations of the United States for purchase by the Thrift Savings Fund for the Government Securities Investment Fund.

"(2)(A) Obligations issued for the purpose of this subsection shall have maturities fixed with due regard to the needs of such Fund as determined by the Executive Director, and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue of such obligations) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable earlier than 4 years after the end of such calendar month.

"(B) Any average market yield computed under subparagraph (A) which is not a multiple of one-eighth of 1 percent, shall be rounded to the nearest multiple of one-eighth of 1 percent.

"(g) The Board, other Government agencies, the Executive Director, an employee, a Member, a former employee, and a former Member may not exercise voting rights associated with the ownership of securities by the Thrift Savings Fund.

"§ 8439. Accounting and information

5 USC 8439.

"(a)(1) The Executive Director shall establish and maintain an account for each individual for whom contributions are made under section 8432(c)(1) of this title or who makes contributions to the Thrift Savings Fund under section 8351 of this title.

"(2) The balance in an individual's account at any time is the excess of—

"(A) the sum of—

"(i) all contributions made to the Thrift Savings Fund by the individual under section 8432(a) or 8351 of this title;

"(ii) all contributions made to such Fund for the benefit of the individual under section 8432(c) of this title; and

"(iii) the total amount of the allocations made to and reductions made in the account pursuant to paragraph (3), over

"(B) the amounts paid out of the Thrift Savings Fund with respect to such individual under this subchapter.

"(3) Pursuant to regulations prescribed by the Executive Director, the Executive Director shall allocate to each account an amount equal to a pro rata share of the net earnings and net losses from each investment of sums in the Thrift Savings Fund attributable to sums credited to such account, reduced by an appropriate share of the administrative expenses paid out of the net earnings under section 8437(d) of this title, as determined by the Executive Director.

100 STAT. 556

"(b)(1) For the purposes of this subsection, the term 'qualified public accountant' shall have the same meaning as provided in section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(D)).

Audit.

"(2) The Executive Director shall annually engage, on behalf of all individuals for whom an account is maintained, an independent qualified public accountant, who shall conduct an examination of all accounts and other books and records maintained in the administration of this subchapter and subchapter VII as the public accountant considers necessary to enable the public accountant to make the determination required by paragraph (3). The examination shall be conducted in accordance with generally accepted auditing standards and shall involve such tests of the accounts, books, and records as the public accountant considers necessary.

"(3) The public accountant conducting an examination under paragraph (2) shall determine whether the accounts, books, and records referred to in such paragraph have been maintained in conformity with generally accepted accounting principles applied on a basis consistent with the manner in which such principles were applied during the examination conducted under such paragraph during the preceding year. The public accountant shall transmit to the Board and the Comptroller General of the United States a report on his examination, including his determination under this paragraph.

Report.

"(4) In making a determination under paragraph (3), a public accountant may rely on the correctness of any actuarial matter certified by an enrolled actuary if the public accountant states his reliance in the report transmitted to the Board under such paragraph.

Regulations.

"(c)(1) The Board shall prescribe regulations under which each individual for whom an account is maintained shall be furnished with—

"(A) a periodic statement relating to the individual's account; and

"(B) a summary description of the investment options under section 8438 of this title covering, and an evaluation of, each such option the 5-year period preceding the date as of which such evaluation is made.

"(2) Information under this subsection shall be provided at least 30 calendar days before the beginning of each election period under section 8432(b)(1)(A) of this title, and in a manner designed to facilitate informed decisionmaking with respect to elections under sections 8432 and 8438 of this title.

"(d) Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3), respectively, of section 8438(a) of this title shall sign an acknowledgement prescribed by the Executive Director which states that the employee, Member, former employee, or former Member understands that an investment in either such Fund is made at the employee's, Member's, former employee's, or former Member's risk, that the employee, Member, former employee, or former Member is not protected by the Government against any loss on such investment, and that a return on such investment is not guaranteed by the Government.

5 USC 8440.

"§ 8440. Tax treatment of the Thrift Savings Fund

26 USC 1 *et seq.*

"(a) For purposes of the Internal Revenue Code of 1954—

26 USC 401.
26 USC 501.

"(1) the Thrift Savings Fund shall be treated as a trust described in section 401(a) of such Code which is exempt from taxation under section 501(a) of such Code;

"(2) any contribution to, or distribution from, the Thrift Savings Fund shall be treated in the same manner as contributions to or distributions from such a trust; and

26 USC 402.

"(3) subject to the provisions of subsection (b) and any dollar limitation on the application of section 402(a)(8) of such Code, contributions to the Thrift Savings Fund shall not be treated as distributed or made available to an employee or Member nor as a contribution made to the Fund by an employee or Member merely because the employee or Member has, under the provisions of this subchapter and section 8351 of this title, an election whether the contribution will be made to the Thrift Savings Fund or received by the employee or Member in cash.

26 USC 401.

"(b)(1) Subsection (a)(3) shall not apply to the Thrift Savings Fund unless the Fund meets the antidiscrimination requirements (other than any requirement relating to coverage) applicable to arrangements described in section 401(k) of the Internal Revenue Code of 1954 and to matching contributions.

"(2)(A) This subchapter shall not be treated as failing to meet the requirements of paragraph (1) for any year if the amount of the excess matching contributions and excess employee contributions for such year (and any income attributable to such contributions) is distributed before the close of the following year. Such contributions (and income) may be distributed without regard to any other provision of law.

"(B) For purposes of subparagraph (A), the term 'excess matching contributions' means, with respect to any year, the excess of—

"(i) the aggregate amount of contributions under section 8432(c) of this title actually made on behalf of highly compensated employees (as defined for purposes of section 401(k) of the Internal Revenue Code of 1954) for such year, over

"(ii) the maximum amount of such contributions permitted under the limitations of paragraph (1) (determined by reducing contributions made on behalf of highly compensated employees in order of the matching contribution percentages beginning with the highest of such percentages).

"(C) For purposes of subparagraph (A), the amount of excess employee contributions shall be determined under the principles of subparagraph (B).

"(D) Any distribution of the excess matching contributions or excess employee contributions for any year shall be made to highly compensated employees on the basis of the respective portions of such amounts attributable to each of such employees.

"(E) No early distribution tax, if any, under the Internal Revenue Code of 1954 shall be imposed on any amount required to be distributed under subparagraph (A). 26 USC 1 *et seq.*

"(c) Subsection (a) shall not be construed to provide that any amount of the employee's or Member's basic pay which is contributed to the Thrift Savings Fund shall not be included in the term 'wages' for the purposes of section 209 of the Social Security Act or section 3121(a) of the Internal Revenue Code of 1954. *Ante*, p. 288. 26 USC 3121.

"SUBCHAPTER IV—SURVIVOR ANNUITIES

"§ 8441. Definitions

5 USC 8441.

"For the purpose of this subchapter—

"(1) the term 'widow' means the surviving wife of an employee, Member, or annuitant, or of a former employee or Member, who—

"(A) was married to him for at least 9 months immediately before his death; or

"(B) is the mother of issue by that marriage;

"(2) the term 'widower' means the surviving husband of an employee, Member, or annuitant, or of a former employee or Member, who—

"(A) was married to her for at least 9 months immediately before her death; or

"(B) is the father of issue by that marriage;

"(3) the term 'dependent', in the case of any child, means that the employee, Member, or annuitant involved was, at the time of death of the employee, Member, or annuitant either living with or contributing to the support of such child, as determined in accordance with such regulations as the Office shall prescribe; and

"(4) the term 'child' means—

"(A) an unmarried dependent child under 18 years of age, including (i) an adopted child, (ii) a stepchild but only if the stepchild lived with the employee, Member, or annuitant in a regular parent-child relationship, (iii) a recognized natural child, and (iv) a child who lived with and for whom a petition of adoption was filed by an employee, Member, or annuitant and who is adopted by the widow or widower of the employee, Member, or annuitant after the death of such employee, Member, or annuitant;

"(B) such unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability incurred before age 18; or

"(C) such unmarried dependent child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

For the purpose of this paragraph and section 8443, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while regularly pursuing such a course of study or training, is deemed to have become 22 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than 5 months and if such child shows to the satisfaction of the Office that such child has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim.

5 USC 8442.

100 STAT. 559

"§ 8442. Rights of a widow or widower

"(a)(1) Except as provided in subsection (g), if an annuitant dies and is survived by a widow or widower, the widow or widower is entitled to an annuity equal to 50 percent of an annuity computed under section 8415 with respect to the annuitant, unless—

"(A) the right to an annuity was waived under section 8416(a) (and no election was subsequently made under section 8416(d) nullifying the waiver); or

"(B) in the case of a marriage after retirement, the annuitant did not file an election under section 8416 (b) or (c), as the case may be.

"(2) A spouse acquired after retirement is entitled to an annuity under this subsection (as provided in paragraph (1)) only upon electing this annuity instead of any other survivor benefit to which such spouse may be entitled under this subchapter or section 8424 or under another retirement system for Government employees.

"(b)(1) If an employee or Member dies after completing at least 18 months of civilian service creditable under section 8411 and is survived by a widow or widower, the widow or widower is entitled to—

"(A) an amount equal to the sum of—

"(i) 50 percent of the final annual rate of basic pay (or of the average pay, if higher) of the employee or Member; and

"(ii) $15,000 as adjusted under section 8462(e); and

"(B) if the employee or Member completed at least 10 years of service, an annuity equal to 50 percent of an annuity computed under section 8415 with respect to the employee or Member, but without regard to subsection (f) of such section.

Regulations.

"(2) The Office shall prescribe regulations under which the total amount payable to a widow or widower under paragraph (1)(A) may, at the election of the widow or widower, be paid—

"(A) in a lump sum; or

"(B) on a monthly basis—

"(i) over a period of 3 years beginning on the day after the employee's or Member's death; or

"(ii) over any other period established under the regulations.

Any method of payment provided for under subparagraph (B) shall be designed such that the present value of the benefits provided under such method is actuarially equivalent to the present value of a lump-sum payment under subparagraph (A).

"(3) An amount payable under paragraph (1)(A) shall not be considered to be part of an annuity for purposes of this chapter.

"(c)(1) If a former employee or Member dies after having separated from the service with title to a deferred annuity under section 8413 but before having established a valid claim for an annuity, and is survived by a widow or widower to whom married on the date of separation, the widow or widower may elect to receive—

"(A) an annuity under paragraph (2); or

"(B) the lump-sum credit, if the widow or widower is the individual who would be entitled to the lump-sum credit and if such widow or widower files application therefor with the Office.

"(2)(A)(i) Subject to clause (ii) and subparagraph (B)(ii), the annuity of the widow or widower is equal to 50 percent of an annuity computed under section 8415 for the former employee or Member.

100 STAT. 560

"(ii)(I) In computing an amount under section 8415 for a former employee or Member (described in subclause (II)) in order to compute the annuity for a widow or widower under this subsection, the computation under section 8415 shall be made as if the former employee or Member had attained the applicable minimum retirement age under section 8412(h).

"(II) This clause applies with respect to a former employee or Member who dies before having attained the applicable minimum retirement age under section 8412(h).

"(B)(i) Notwithstanding the first sentence of subsection (d)(1), the annuity of the widow or widower of a former employee or Member under subparagraph (A)(ii) commences—

"(I) on the day after the date on which the former employee or Member would have attained age 62; or

"(II) if the widow or widower so designates in the election, as of the day after the death of the former employee or Member.

"(ii) The present value of the annuity of a widow or widower who chooses the earlier commencement date under clause (i)(II) shall be actuarially equivalent to the present value of an annuity computed for the widow or widower, determined as if the commencement date under clause (i)(I) were applicable.

"(3)(A) Paragraphs (1) and (2) shall apply only in the case of an employee or Member who completes at least 10 years of service.

"(B) Nothing in this subsection shall be considered to affect the provisions of this chapter relating to a lump-sum credit in the case of the widow or widower of a former employee or Member who dies after completing less than 10 years of service.

"(d)(1) The annuity of a widow or widower under this section commences on the day after the death of the individual on whose service such annuity is based. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

"(A) dies; or

"(B) remarries before becoming 55 years of age.

"(2) In the case of a widow or widower whose annuity under this section is terminated because of remarriage before becoming 55 years of age, the annuity shall be restored at the same rate commencing on the day the remarriage is dissolved by death, divorce, or annulment, if—

"(A) the widow or widower elects to receive this annuity instead of any other survivor benefit to which such widow or widower may be entitled (under this subchapter or section 8424 or under another retirement system for Government employees) by reason of the remarriage; and

"(B) any lump sum paid on termination of the annuity is returned to the Fund.

"(e) The requirement in paragraphs (1)(A) and (2)(A) of section 8441 that the widow or widower of an annuitant, employee, or Member, or of a former employee or Member, have been married to such individual for at least 9 months immediately before the death of the individual in order to qualify as the widow or widower of such individual shall be deemed satisfied in any case in which the individual dies within the applicable 9-month period, if—

"(1) the death of the individual was accidental; or

"(2) the surviving spouse of the individual had been previously married to such individual and subsequently divorced, and the aggregate time married is at least 9 months.

100 STAT. 561

"(f)(1) Subject to paragraph (4), a survivor who is entitled to an annuity under subsection (a) shall also be entitled to a supplementary annuity under this subsection.

"(2) A supplementary annuity under this subsection shall be equal to the lesser of—

"(A) the amount by which the survivor's assumed CSRS annuity exceeds the annuity payable to such survivor under subsection (a); or

"(B) the amount determined under paragraph (3).

"(3)(A) Except as provided in subparagraph (B), the amount under this paragraph for a survivor is the amount of widow's or widower's insurance benefits which would be payable to such survivor under title II of the Social Security Act (without regard to sections 202(e)(7), 202(f)(2), and 203 of such Act) based on the wages and self-employment income of the deceased annuitant, and determined—

42 USC 401.
42 USC 402, 403.

"(i) as of the date on which the annuitant died; and "(ii) as if the survivor had attained age 60 and made application for those benefits under subsection (e) or (f) of section 202 of such Act, as the case may be.

"(B) Any computation or determination under this paragraph shall be made in accordance with the applicable provisions of the Social Security Act, except that in computing any primary insurance amount under section 215 of such Act for purposes of determining an amount under this subsection, subparagraphs (A) and (C) of section 8421(b)(2) shall apply.

42 USC 1305.
42 USC 415.

"(4) A supplementary annuity under this subsection—

"(A) shall be payable to a survivor only for calendar months ending before the calendar month in which such survivor first satisfies the minimum age requirement under section 202(e)(1)(B)(i) or 202(f)(1)(B)(i) of the Social Security Act, as the case may be;

42 USC 402.

"(B) shall not be payable to a survivor who would not be entitled to benefits under subsection (e) or (f) of section 202 of the Social Security Act based on the wages and self-employment income of the deceased annuitant (determined, as of the date of the annuitant's death, as if the survivor had attained age 60 and made appropriate application for benefits, but without regard to any restriction under either such subsection relating to remarriage); and

"(C) shall not be payable to a survivor for any calendar month in which such survivor is entitled (or would, on proper application, be entitled) to benefits under section 202(g) of the Social Security Act (relating to mother's and father's insurance benefits), or under section 202 (e) or (f) of such Act by reason of having become disabled, based on the wages and self-employment income of the deceased annuitant.

"(5) For the purpose of this subsection, the term 'assumed CSRS annuity', as used in the case of a survivor, means the amount of the annuity to which such survivor would be entitled under subchapter III of chapter 83 of this title based on the service of the deceased annuitant, determined—

Post, pp. 589, 591–593.

"(A) as of the day after the date of the annuitant's death;

"(B) as if the survivor had made appropriate application therefor; and

"(C) as if the service of the deceased annuitant were creditable under such subchapter.

100 STAT. 562

"(6) An amount payable under this subsection shall be adjusted under section 8462 and shall otherwise be treated under this chapter in the same way as an amount payable under subsection (a).

"(g)(1) If the widow or widower of an annuitant under section 8452 (hereinafter in this subsection referred to as a 'disability annuitant') is determined under subsection (a) to be entitled to an annuity based on the service of such disability annuitant, the annuity of the widow or widower shall be equal to 50 percent of the amount determined under paragraph (2), rather than of the amount referred to in subsection (a).

"(2)(A) Except as provided in subparagraph (B), the amount on which the annuity of the widow or widower of a disability annuitant is based shall be the amount of the annuity to which such disability annuitant was entitled, as computed under section 8452 (including appropriate reduction under subsection (a)(2) of such section and any adjustments under section 8462 allowed under section 8452), as of the day before the date of the disability annuitant's death.

"(B)(i) In the case of a widow or widower entitled to an annuity based on the service of a disability annuitant who dies before age 62, the amount under clause (ii) shall apply instead of the amount which would otherwise apply under subparagraph (A).

"(ii)(I) Subject to subclause (II), the amount of the annuity to which the disability annuitant was entitled as of the day before the date of death shall be considered to be the amount which would be computed with respect to such disability annuitant under section 8452(b) if the disability annuitant had attained age 62 on the day before date of death.

"(II) For purposes of any such computation under section 8452(b)(2) pursuant to this clause, creditable service shall (in addition to the service which would otherwise be used under subparagraph (B)(i) of such section) include the period of time between date of death and the date of the sixty-second anniversary of the birth of the annuitant, and average pay shall be adjusted in accordance with subparagraph (B)(ii) of such section only through date of death.

"(h) The following rules shall apply notwithstanding any other provision of this section:

"(1) The annuity payable under this section to a widow or widower may not exceed the difference between—

"(A) the amount of the annuity which would otherwise be payable to such widow or widower under this section; and

"(B) the amount of the annuity payable to any former spouse of the deceased employee, Member, or annuitant, or former employee or Member, based on an election made under section 8417(b) or a court order previously issued or agreement previously entered into as described in section 8445(a).

"(2) The amount payable under subsection (b)(1)(A) to a widow or widower may not exceed the difference between—

"(A) the amount which would otherwise be payable to such widow or widower under such subsection; and

"(B) the portion of such amount payable to any former spouse of the deceased employee, Member, or annuitant, or former employee or Member, based on a court order previously issued or agreement previously entered into.

"(3) A lump-sum credit under subsection (c)(2) shall be subject to the same terms and conditions as apply with respect to a lump-sum credit under section 8424(b).

5 USC 8443.

"§ 8443. Rights of a child

"(a)(1) If an employee or Member dies after completing at least 18 months of civilian service which is creditable under section 8411, or an annuitant dies, each surviving child is, for any month, entitled to an annuity equal to—

"(A) the amount by which the applicable amount under paragraph (2) for such month exceeds the applicable amount under paragraph (3) for such month, divided by

"(B) the number of children entitled to a payment under this section for such month.

"(2) The applicable amount under this paragraph for any month is the total amount to which the surviving child or children (as the case may be) of the annuitant, employee, or Member would be entitled for such month under subchapter III of chapter 83 based on the service of such annuitant, employee, or Member, if the service of such annuitant, employee, or Member were creditable under such subchapter.

Post, pp. 589, 591–593.

"(3) The applicable amount under this paragraph for any month is the total amount of child's insurance benefits which are payable (or would, on proper application, be payable) under title II of the Social Security Act for such month based on the wages and self-employment income of such annuitant, employee, or Member.

42 USC 401.

"(b) The annuity of a child under this subchapter—

"(1) commences on the day after the annuitant, employee, or Member dies;

"(2) commences or resumes on the first day of the month in which the child later becomes or again becomes a student as described by section 8441(4), if any lump sum paid is returned to the Fund; or

"(3) commences or resumes on the first day of the month in which the child later becomes or again becomes incapable of self-support because of a mental or physical disability incurred before age 18 (or a later recurrence of such disability), if any lump sum paid is returned to the Fund.

This annuity and the right thereto terminate on the last day of the month before the child—

"(A) becomes 18 years of age unless then a student as described or incapable of self-support;

"(B) becomes capable of self-support after becoming 18 years of age unless then such a student;

"(C) becomes 22 years of age if then such a student and capable of self-support;

"(D) ceases to be such a student after becoming 18 years of age unless then incapable of self-support; or

"(E) dies or marries;

whichever occurs first. On the death of the surviving wife or husband, or former wife or husband, or termination of the annuity of a child, the annuity of any other child or children shall be recomputed and paid as though the wife or husband, former wife or husband, or child had not survived the annuitant, employee, or Member.

5 USC 8444.

"§ 8444. Rights of a named individual with an insurable interest

"The annuity of a survivor named under section 8420(a) is 55 percent of the reduced annuity of the retired employee or Member determined under paragraph (2) of such section 8420(a). The annuity of the survivor commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the survivor dies.

5 USC 8445.

"§ 8445. Rights of a former spouse

"(a) Subject to subsections (b) through (e), a former spouse of a deceased employee, Member, or annuitant (or of a former employee or Member who dies after having separated from the service with title to a deferred annuity under section 8413 but before having established a valid claim for annuity) is entitled to an annuity under this section, if and to the extent expressly provided for in an election under section 8417(b), or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.

"(b)(1) The annuity payable to a former spouse under this section may not exceed the difference between—

"(A) the amount applicable in the case of such former spouse, as determined under paragraph (2); and

"(B) the amount of any annuity payable under this section to any other former spouse of the employee, Member, or annuitant, or former employee or Member, based on an election previously made under section 8417(b), or a court order previously issued or agreement previously entered into as described in subsection (a).

"(2) The applicable amount, for purposes of paragraph (1)(A) in the case of a former spouse, is the amount of the annuity which would be payable under the provisions of section 8442 (including subsection (f) of such section, but without regard to subsection (h) of such section) if such former spouse were a widow or widower entitled to an annuity under such provisions based on the service of the deceased employee, Member, or annuitant, or former employee or Member.

Contracts.

"(c) The commencement and termination of an annuity payable under this section shall be governed by the terms of the applicable order, decree, agreement, or election, as the case may be, except that any such annuity—

"(1) shall not commence before—

"(A) the day after the employee, Member, or annuitant, or former employee or Member, dies; or

"(B) the first day of the second month beginning after the date on which the Office receives written notice of the order, decree, agreement, or election, as the case may be, together with such additional information or documentation as the Office may prescribe;

whichever is later; and

"(2) shall terminate no later than the last day of the month before the former spouse remarries before becoming 55 years of age or dies.

"(d) For purposes of this chapter, a modification in a decree, order, agreement, or election referred to in subsection (a) shall not be effective—

"(1) if such modification is made after the retirement or death of the employee, Member, or annuitant, or former employee or Member, concerned; and

"(2) to the extent that such modification involves an annuity under this section.

"(e) For purposes of this chapter, a decree, order, agreement, or election referred to in subsection (a) shall not be effective, in the case of a former spouse, to the extent that it is inconsistent with any joint waiver previously executed with respect to such former spouse under section 8416(a).

"(f)(1) Any amount under section 8442(b)(1)(A) which would otherwise be payable to a widow or widower based on the service of another individual shall be paid (in whole or in part) by the Office to a former spouse of such individual if and to the extent expressly provided for in the terms of a court decree of divorce, annulment, or legal separation, or the terms of a court order or court-approved property settlement incident to any decree of divorce, annulment, or legal separation.

"(2) Paragraph (1) shall apply only to payments made by the Office after the date of receipt in the Office of written notice of such decree, order, or agreement, and such additional information and documentation as the Office may prescribe.

"(g) Any payment under this section to a person bars recovery by any other person.

"SUBCHAPTER V—DISABILITY BENEFITS

"§ 8451. Disability retirement

5 USC 8451.

"(a)(1)(A) An employee who completes at least 18 months of civilian service creditable under section 8411 and has become disabled shall be retired on the employee's own application or on application by the employee's agency.

"(B) For purposes of this subsection, an employee shall be considered disabled only if the employee is found by the Office to be unable, because of disease or injury, to render useful and efficient service in the employee's position.

"(2)(A) Notwithstanding paragraph (1), an employee shall not be eligible for disability retirement under this section if the employee has declined a reasonable offer of reassignment to a vacant position in the employee's agency for which the employee is qualified if the position—

"(i) is at the same grade (or pay level) as the employee's most recent grade (or pay level) or higher;

"(ii) is within the employee's commuting area; and

"(iii) is one in which the employee would be able to render useful and efficient service.

Regulations.

"(B) An employee who is applying for disability retirement under this subchapter shall be considered for reassignment by the employee's agency to a vacant position described in subparagraph (A) in accordance with such procedures as the Office shall by regulation prescribe.

"(C) An employee is entitled to appeal to the Merit Systems Protection Board under section 7701 any determination that the employee is not unable, because of disease or injury, to render useful and efficient service in a position to which the employee has declined reassignment under this section.

"(D) For purposes of subparagraph (A), an employee of the United States Postal Service shall not be considered qualified for a position if such position is in a different craft or if reassignment to such position would be inconsistent with the terms of a collective-bargaining agreement covering the employee.

100 STAT. 566

"(b) A Member who completes at least 18 months of service as a Member and is found by the Office to be disabled for useful and efficient service as a Member because of disease or injury shall be retired on the Member's own application.

"(c) An employee or Member retiring under this section is entitled to an annuity computed under section 8452.

5 USC 8452.

"§ 8452. Computation of disability annuity

"(a)(1)(A) Except as provided in paragraph (2), or subsection (b), (c), or (d), the annuity of an annuitant under this subchapter—

"(i) for the period beginning on the date on which such annuity commences, or is restored (as described in section 8455(b) (2) or (3)), and ending at the end of the twelfth month beginning on or after such date, shall be equal to 60 percent of the annuitant's average pay; and

"(ii) after the end of the period referred to in clause (i), shall be equal to 40 percent of the annuitant's average pay.

"(B) An annuity computed under this paragraph shall not, for purposes of any adjustment under section 8462 (including any adjustment under subsection (c)(1) of such section), be considered to have commenced until after such annuity ceases to be determined under subparagraph (A)(i).

"(2)(A) For any month in which an annuitant is entitled both to an annuity under this subchapter as computed under paragraph (1) and to a disability insurance benefit under section 223 of the Social Security Act, the annuitant's annuity for such month (as so computed) shall—

42 USC 423.

"(i) if such month occurs during a period referred to in paragraph (1)(A)(i), be reduced by 100 percent of the annuitant's assumed disability insurance benefit for such month; or

"(ii) if such month occurs other than during a period referred to in paragraph (1)(A)(i), be reduced by 60 percent of the annuitant's assumed disability insurance benefit for such month;

except that an annuity may not be reduced below zero by reason of this paragraph.

"(B)(i) For purposes of this paragraph, the assumed disability insurance benefit of an annuitant for any month shall be equal to—

"(I) the amount of the disability insurance benefit to which the annuitant would have been entitled under section 223 of the Social Security Act for the month in which the annuity under this subchapter commenced, or was restored, determined as if such annuitant had then satisfied all requirements for entitlement to a benefit under such section, adjusted by

"(II) all adjustments made under section 8462(b) between the date on which the annuity commenced, or was restored, and the start of the month involved (without regard to whether the annuitant's annuity was affected by any of those adjustments).

For purposes of computing the assumed disability insurance benefit, the month in which the annuitant's disability began (as determined under section 216(i)(2)(C) of the Social Security Act) shall be the month in which the annuity commenced or, if earlier (and if a determination was actually made) the month determined under such section.

42 USC 416.

"(ii) For purposes of applying section 224 of the Social Security Act to the assumed disability insurance benefit used to compute the reduction under this paragraph, the amount of the annuity under this subchapter which is considered shall be the amount of the annuity as determined before the application of this paragraph.

42 USC 424a.

100 STAT. 567

"(b)(1) Except as provided in subsection (d), if an annuitant is entitled to an annuity under this subchapter as of the day before the date of the sixty-second anniversary of the annuitant's birth (hereinafter in this section referred to as the annuitant's 'redetermination date'), such annuity shall be redetermined under paragraph (3) or (4), as applicable. Effective as of the annuitant's redetermination date, the annuity (as so redetermined) shall be in lieu of any annuity to which such annuitant would otherwise be entitled under this subchapter.

"(2)(A) In order to carry out paragraphs (3) and (4), the Office shall compute an annuity for the annuitant under section 8415.

"(B) In performing a computation under this paragraph—

"(i) creditable service of the annuitant shall be increased by including the period (or periods), if any, before the annuitant's redetermination date during which the annuitant was entitled to an annuity under this subchapter; and

"(ii) the average pay which would otherwise be used shall be adjusted to reflect all adjustments made under section 8462(b) with respect to any period (or periods) referred to in clause (i) (without regard to whether the annuitant's annuity was affected by any of those adjustments).

"(3) If, as of the day before the annuitant's redetermination date, the annuitant's annuity is subject to reduction under subsection (a)(2), the annuitant's redetermined annuity shall be the lesser of—

"(A) the amount determined with respect to such annuitant under paragraph (2); or

"(B) subject to the following sentence, the amount (converted so as to be expressed as an annual amount) which would otherwise be payable under this subchapter for the month in which occurs the day before the annuitant's redetermination date, as computed under subsection (a) (based on the assumption that the annuitant was entitled to an annuity under this subchapter, and to a disability insurance benefit under section 223 of the Social Security Act, for the entirety of such month). 42 USC 423.

If the annuitant's redetermination date occurs during the period described in subsection (a)(1)(A), the amount used under subparagraph (B) may not exceed the amount (converted so as to be expressed as an annual amount) which would otherwise be payable under this subchapter for the first month after such period, as computed under subsection (a) based on the assumption that the annuitant was entitled to an annuity under this subchapter, and to a disability insurance benefit under section 223 of the Social Security Act, for the entirety of such month.

"(4) If, as of the day before the annuitant's redetermination date, the annuitant's annuity is not subject to reduction under subsection (a)(2), the annuitant's redetermined annuity shall be the lesser of—

"(A) the amount determined with respect to such annuitant under paragraph (2); or

"(B) the amount which would be used for such annuitant under subparagraph (B) of paragraph (3) (as determined subject to the second sentence of such paragraph), if such paragraph applied to such annuitant.

"(c) Except as provided in subsection (d), the annuity of an annuitant under this subchapter shall be computed under section 8415 if—

"(1) such annuity commences, or is restored, beginning on or after the redetermination date of the annuitant; or

100 STAT. 568

"(2) as of the day on which such annuity commences, or is restored, the annuitant satisfies the age and service requirements for entitlement to an annuity under section 8412 (other than subsection (g) of such section).

"(d) The annuity to which an annuitant is entitled under this section shall not be less than the amount of an annuity computed under section 8415 (excluding subsection (f) of such section).

Claims.
5 USC 8453.

"§ 8453. Application

"A claim may be allowed under this subchapter only if application is filed with the Office before the employee or Member is separated from the service or within 1 year thereafter. This time limitation may be waived by the Office for an employee or Member who, at the date of separation from service or within 1 year thereafter, is mentally incompetent if the application is filed with the Office within 1 year from the date of restoration of the employee or Member to competency or the appointment of a fiduciary, whichever is earlier.

5 USC 8454.

"§ 8454. Medical examination

"An annuitant receiving a disability retirement annuity from the Fund shall be examined under the direction of the Office—

"(1) at the end of 1 year from the date of the disability retirement; and

"(2) annually thereafter until becoming 60 years of age;

unless the disability is permanent in character. If the annuitant fails to submit to examination as required by this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

5 USC 8455.

"§ 8455. Recovery; restoration of earning capacity

"(a)(1) If an annuitant receiving a disability retirement annuity from the Fund recovers from the disability before becoming 60 years of age, payment of the annuity terminates on reemployment by the Government or 1 year after the date on which the Office determines that the annuitant has recovered, whichever is earlier.

"(2) If an annuitant receiving a disability annuity from the Fund, before becoming 60 years of age, is restored to an earning capacity fairly comparable to the current rate of pay of the position occupied at the time of retirement, payment of the annuity terminates 180 days after the end of the calendar year in which earning capacity is so restored. Earning capacity is deemed restored if in any calendar year the income of the annuitant from wages or self-employment or both equals at least 80 percent of the current rate of pay of the position occupied immediately before retirement.

"(b)(1) If an annuitant whose annuity is terminated under subsection (a) is not reemployed in a position in which that individual is subject to this chapter, such individual is deemed, except for service credit, to have been involuntarily separated from the service for the purpose of subchapter II of this chapter as of the date of termination of the disability annuity, and after that termination is entitled to annuity under the applicable provisions of such subchapter.

"(2) If an annuitant whose annuity is terminated under subsection (a)(2)—

"(A) is not reemployed in a position subject to this chapter; and

"(B) has not recovered from the disability for which that individual was retired;

the annuity of such individual shall be restored at the applicable rate under section 8452 effective the first of the year following any calendar year in which such individual's income from wages or self-employment or both is less than 80 percent of the current rate of pay of the position occupied immediately before retirement.

"(3) If an annuitant whose annuity is terminated because of a medical finding that the individual has recovered from disability is not reemployed in a position in which such individual is subject to this chapter, the annuity of such individual shall be restored at the applicable rate under section 8452 effective from the date on which the Office determines that there has been a recurrence of the disability.

"(4) Paragraphs (2) and (3) shall not apply in the case of an annuitant receiving an annuity from the Fund under subchapter II of this chapter.

"§ 8456. Relationship to workers' compensation 5 USC 8456.

"(a)(1) An individual is not entitled to receive an annuity under this subchapter and compensation for injury to or disability of the individual under subchapter I of chapter 81 covering the same period of time. 5 USC 8101.

"(2) Paragraph (1) does not bar the right of a claimant to the greater benefit conferred by either subchapter referred to in such paragraph for any part of the period referred to in such paragraph.

"(3) Paragraph (1) and the provisions of subchapter I of chapter 81 do not deny an individual an annuity which the individual is entitled to receive under this chapter on account of service performed by the individual and do not deny any concurrent benefit to the individual under subchapter I of chapter 81 on account of the death of another individual.

"(b)(1) Subject to paragraph (2), an individual's receipt of a lump-sum payment for compensation under section 8135 shall not affect the individual's entitlement to an annuity under this subchapter.

"(2) If an annuity is payable under this subchapter by reason of the same disability for which a lump-sum payment of compensation referred to in paragraph (1) has been made, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Department of Labor, shall be refunded to that Department for credit to the Employees' Compensation Fund. Before the individual may receive the disability annuity, the individual shall—

"(A) refund to the Department of Labor the amount representing the commuted compensation payments for the extended period; or

"(B) authorize the deduction of the amount from the annuity.

Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Department of Labor for reimbursement to the Employees' Compensation Fund. When the Department of Labor finds that the financial circumstances of an individual entitled to an annuity under this subchapter warrant deferred refunding under this paragraph, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Department determines appropriate.

"§ 8457. Military reserve technicians 5 USC 8457.

"(a)(1) Except as provided in paragraph (2) or (3), an individual shall be retired under this subchapter if the individual—

"(A) is separated from employment as a military reserve technician by reason of a disability that disqualifies the individual from membership in a reserve component of the Armed Forces specified in section 261(a) of title 10 or from holding the military grade required for such employment;

"(B) is not considered to be disabled under section 8451(a)(1)(B);

"(C) is not appointed to a position in the Government (whether under subsection (c) or otherwise); and

"(D) has not declined an offer of an appointment to a position in the Government under subsection (c).

"(2) Payment of any annuity for an individual pursuant to this section terminates—

"(A) on the date the individual is appointed to a position in the Government (whether pursuant to subsection (c) or otherwise);

"(B) on the date the individual declines an offer of appointment to a position in the Government under subsection (c); or

"(C) as provided under section 8455(a).

"(3) An individual eligible to retire under section 8414(c) shall not be eligible to retire under this section.

"(b) Any individual applying for or receiving any annuity pursuant to this section shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant position in the agency is filled if—

"(1) the position is located within the commuting area of the individual's former position;

"(2) the individual is qualified to serve in such position, as determined by the head of the agency; and

"(3) the position is at the same grade or equivalent level as the position from which the individual was separated.

"SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS

5 USC 8461.

"§ 8461. Authority of the Office of Personnel Management

"(a) The Office shall pay all benefits that are payable under subchapter II, IV, V, or VI of this chapter from the Fund.

"(b) The Office shall administer all provisions of this chapter not specifically required to be administered by the Board, the Executive Director, the Secretary of Labor, or any other officer or agency.

"(c) The Office shall adjudicate all claims under the provisions of this chapter administered by the Office.

"(d) The Office shall determine questions of disability and dependency arising under the provisions of this chapter administered by the Office. Except to the extent provided under subsection (e), the decisions of the Office concerning these matters are final and conclusive and are not subject to review. The Office may direct at any time such medical or other examinations as it considers necessary to determine the facts concerning disability or dependency of an individual receiving or applying for annuity under the provisions of this chapter administered by the Office. The Office may suspend or deny annuity for failure to submit to examination.

100 STAT. 571

"(e)(1) Subject to paragraph (2), an administrative action or order affecting the rights or interests of an individual or of the United States under the provisions of this chapter administered by the Office may be appealed to the Merit Systems Protection Board under procedures prescribed by the Board.

"(2) In the case of any individual found by the Office to be disabled in whole or in part on the basis of the individual's mental condition, and that finding was made pursuant to an application by an agency for purposes of disability retirement under section 8451, the procedures under section 7701 shall apply and the decision of the Board shall be subject to judicial review under section 7703.

"(f) The Office shall fix the fees for examinations made under subchapter V of this chapter by physicians or surgeons who are not medical officers of the United States. The fees and reasonable traveling and other expenses incurred in connection with the examinations are paid from appropriations for the cost of administering the provisions of this chapter administered by the Office.

"(g) The Office may prescribe regulations to carry out the provisions of this chapter administered by the Office.

"(h)(1) Each Government agency shall furnish the Director with such information as the Director determines necessary in order to administer this chapter.

Regulations.

"(2) The Director, in consultation with the officials from whom such information is requested, shall establish (by regulation or otherwise) such safeguards as are necessary to ensure that information made available under this subsection is used only for the purpose authorized.

"(i) In making a determination of 'actuarial equivalence' under this chapter, the economic assumptions used shall be the same as the economic assumptions most recently used by the Office (before the determination of actuarial equivalence involved) in determining the normal-cost percentage of the System.

"(j)(1) Notwithstanding any other provision of this chapter, the Director of Central Intelligence shall, in a manner consistent with the administration of this chapter by the Office, and to the extent considered appropriate by the Director of Central Intelligence—

"(A) determine entitlement to benefits under this chapter based on the service of employees of the Central Intelligence Agency;

Records.

"(B) maintain records relating to the service of such employees;

"(C) compute benefits under this chapter based on the service of such employees;

"(D) collect deposits to the Fund made by such employees, their spouses, their former spouses, and their survivors;

"(E) authorize and direct disbursements from the Fund to the extent based on service of such employees; and

"(F) perform such other functions under this chapter (other than under subchapters III and VII of this chapter) with respect to employees of the Central Intelligence Agency as the Director of Central Intelligence, in consultation with the Director of the Office of Personnel Management, determines to be appropriate.

"(2) The Director of the Office of Personnel Management shall furnish such information and, on a reimbursable basis, such services to the Director of Central Intelligence as the Director of Central Intelligence requests to carry out paragraph (1).

100 STAT. 572

"(k)(1) The Director of Central Intelligence, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board, may—

"(A) maintain exclusive records relating to elections, contributions, and accounts under the Thrift Savings Plan provided in subchapter III of this chapter in the case of employees of the Central Intelligence Agency;

"(B) provide that contributions by, or on behalf of, such employees to the Thrift Savings Plan be accounted for by such Executive Director in aggregate amounts;

"(C) make the necessary disbursements from, and the necessary allocations of earnings, losses, and charges to, individual accounts of such employees under the Thrift Savings Plan; and

"(D) perform such other functions under subchapters III and VII of this chapter (but not including investing sums in the Thrift Savings Fund) with respect to employees of the Central Intelligence Agency as the Director of Central Intelligence, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board, determines to be appropriate.

"(2) The Executive Director of the Federal Retirement Thrift Investment Board may not exercise authority under this chapter in the case of employees of the Central Intelligence Agency to the extent that the Director of Central Intelligence exercises authority provided in paragraph (1).

"(3) The Executive Director of the Federal Retirement Thrift Investment Board shall furnish such information and, on a reimbursable basis, such services to the Director of Central Intelligence as the Director of Central Intelligence determines necessary to carry out this subsection.

"(l) Subsection (h)(1), and sections 8439(b) and 8474(c)(4), shall be applied with respect to information relating to employees of the Central Intelligence Agency in a manner that protects intelligence sources, methods, and activities.

Regulations.

"(m)(1) The Director of Central Intelligence, in consultation with the Director of the Office of Personnel Management and the Executive Director of the Federal Retirement Thrift Investment Board, shall by regulation prescribe appropriate procedures to carry out subsections (j), (k), and (l).

"(2) The regulations shall provide procedures for the Director of the Office of Personnel Management to inspect and audit disbursements from the Fund, and from the Thrift Savings Fund, under this chapter.

"(3) The Director of Central Intelligence shall submit the regulations prescribed under paragraph (1) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before the regulations take effect.

5 USC 8462

"§ 8462. Cost-of-living adjustments

"(a) For the purpose of this section—

"(1) the term 'base quarter', as used with respect to a year, means the calendar quarter ending on September 30 of such year;

"(2) the price index for a base quarter is the arithmetical mean of such index for the 3 months comprising such quarter; and

100 STAT. 573

"(3) the term 'percent change in the price index', as used with respect to a year, means the percentage derived by—

"(A) reducing—

"(i) the price index for the base quarter of such year, by

"(ii) the price index for the base quarter of the preceding year in which an adjustment under this subsection was made;

"(B) dividing the difference under subparagraph (A) by the price index referred to in subparagraph (A)(ii); and

"(C) multiplying the quotient under subparagraph (B) by 100.

"(b)(1) Except as provided in subsection (c), effective December 1 of any year in which an adjustment under this subsection is to be made, as determined under paragraph (2), each annuity payable from the Fund under this chapter (other than an annuity under section 8443) having a commencing date not later than such December 1 shall be adjusted as follows:

"(A) If the percent change in the price index for the year does not exceed 3 percent, each annuity subject to adjustment under this subsection shall be increased by the lesser of—

"(i) the percent change in the price index (rounded to the nearest one-tenth of 1 percent); or

"(ii) 2 percent.

"(B) If the percent change in the price index for the year exceeds 3 percent, each annuity subject to adjustment under this subsection shall be increased by the excess of—

"(i) the percent change in the price index (rounded to the nearest one-tenth of 1 percent), over

"(ii) 1 percent.

"(2) An adjustment under this subsection shall be made in a year only if the price index for the base quarter of such year exceeds the price index for the base quarter of the preceding year in which an adjustment under this subsection was made.

"(3) An annuity under this chapter shall not be subject to adjustment under section 8340.

"(c) Eligibility for an annuity increase under this section is governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase, except as follows:

"(1) The first increase (if any) made under subsection (b) to an annuity which is payable from the Fund to an annuitant or survivor (other than a child under section 8443) whose annuity has not been increased under this subsection or subsection (b) shall be equal to the product (adjusted to the nearest one-tenth of 1 percent) of—

"(A) one-twelfth of the applicable percent change computed under subsection (b), multiplied by

"(B) the number of months (not to exceed 12 months, counting any portion of a month as a month)—

"(i) for which the annuity was payable from the Fund before the effective date of the increase; or "(ii) in the case of a survivor of a deceased annuitant whose annuity has not been so increased, since the annuity was first payable to the deceased annuitant.

"(2) Effective from its commencing date, an annuity payable from the Fund to an annuitant's survivor (other than a widow or widower whose annuity is computed under section 8442(g) or a child under section 8443) shall be increased by the total percentage by which the deceased annuitant's annuity had been increased under this section during the period beginning on the date the deceased annuitant's annuity commenced and ending on the date of the deceased annuitant's death.

"(3)(A) An adjustment under subsection (b) for any year shall not be effective with respect to the annuity of an annuitant who is under 62 years of age as of the date on which such adjustment would otherwise first take effect.

"(B)(i) Except as provided in clause (ii), this paragraph applies only with respect to an annuitant under section 8412, 8413, or 8414.

"(ii) This paragraph does not apply with respect to an annuitant under subsection (d) or (e) of section 8412 or (in the case of an annuitant separated from service as a military reserve technician as a result of disability) under section 8414(c).

"(4) The first increase (if any) made under subsection (b) to an annuity which is payable from the Fund to a widow or widower whose annuity is computed under section 8442(g) shall be equal to the product (adjusted to the nearest one-tenth of 1 percent) of—

"(A) one-twelfth of the applicable percent change computed under subsection (b), multiplied by

"(B) the number of months (not to exceed 12 months, counting any portion of a month as a month) since—

"(i) the effective date of the adjustment last made under this section in the annuity of the annuitant on whose service on the widow's or widower's annuity is based; or

"(ii) if the annuity of the annuitant (referred to in clause (i)) has not been increased under this section, the commencement date of such annuitant's annuity (determined subject to section 8452(a)(1)(B)).

"(d) The monthly installment of an annuity after adjustment under this section shall be rounded to the next lowest dollar. However, the monthly installment shall, after adjustment, reflect an increase of at least $1.

"(e) The $15,000 amount referred to in section 8442(b)(1)(A)(ii) shall be increased at the same time that, and by the same percent as the percentage by which, annuities under subchapter III of chapter 83 are increased.

Post, pp. 589, 591–593.

5 USC 8463.

"§ 8463. Rate of benefits

"Each annuity payable from the Fund is stated as an annual amount, one-twelfth of which, rounded to the next lower dollar, constitutes the monthly rate payable on the first business day of the first month beginning after the month for which it has accrued.

5 USC 8464.

"§ 8464. Commencement and termination of annuities of employees and Members

"(a)(1) Except as otherwise provided in this chapter—

"(A) an annuity payable from the Fund commences on the first day of the month after—

"(i) separation from the service, in the case of an employee or Member retiring under section 8412, or subsection (a) or (b)(1)(B) of section 8414; or

100 STAT. 575

"(ii) pay ceases, and the applicable age and service requirements are met, in the case of an employee or Member retiring under section 8413;

"(B) an annuity payable from the Fund commences on the day after separation from the service in the case of an employee retiring under subsection (b)(1)(A) or (c) of section 8414; and

"(C) an annuity payable from the Fund commences on the day after separation from the service or the day after pay ceases and the requirements for title to an annuity are met in the case of an employee or Member retiring under section 8451.

"(2) Notwithstanding paragraph (1)(A)(i), an annuity payable from the Fund commences on the day after separation from the service in the case of an employee or Member—

"(A) who retires under section 8412; and

"(B) whose separation occurs upon the expiration of a term (or other period) for which the individual was appointed or elected.

"(b) Except as otherwise provided in this chapter, the annuity of an annuitant under subchapter II or V of this chapter terminates on the date death or other terminating event occurs.

5 USC 8465.

"§ 8465. Waiver, allotment, and assignment of benefits

"(a) An individual entitled to an annuity payable from the Fund may decline to accept all or any part of the amount of the annuity by a waiver signed and filed with the Office. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver is in effect.

"(b) An individual entitled to an annuity payable from the Fund may make allotments or assignments of amounts from the annuity for such purposes as the Office considers appropriate.

5 USC 8466.

"§ 8466. Application for benefits

"(a) No payment of benefits based on the service of an employee or Member shall be made from the Fund unless an application for payment of the benefits is received by the Office before the one hundred and fifteenth anniversary of the birth of the employee or Member.

"(b) Notwithstanding subsection (a), after the death of an employee, Member, or annuitant, or former employee or Member, a benefit based on the service of such employee, Member, or annuitant, or former employee or Member, shall not be paid under subchapter II or IV of this chapter unless an application therefor is received by the Office within 30 years after the death or other event which establishes the entitlement to the benefit.

Children and youth. Disabled persons.

"(c) Payment due a minor, or an individual mentally incompetent or under other legal disability, may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. If a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the claimant, payment may be made to any person who, in the judgment of the Office, is responsible for the care of the claimant, and the payment bars recovery by any other person.

5 USC 8467.

"§ 8467. Court orders

"(a) Payments under this chapter which would otherwise be made to an employee, Member, or annuitant (including an employee, Member, or annuitant as defined under section 8331) based on the service of that individual shall be paid (in whole or in part) by the Office or the Executive Director (as the case may be), to another person if and to the extent that the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation expressly provide. Any payment under this subsection to a person bars recovery by any other person.

100 STAT. 576

"(b) Subsection (a) shall apply only to payments made by the Office or the Executive Director under this chapter after the date on which the Office or the Executive Director (as the case may be) receives written notice of such decree, order, or agreement, and such additional information and documentation as the Office or the Executive Director may require.

"§ 8468. Annuities and pay on reemployment

5 USC 8468.

"(a) If an annuitant becomes employed in an appointive or elective position in the Government, payment of any annuity under subchapter II or V of this chapter to the annuitant terminates effective on the date of the employment. The annuitant's service on and after the date the annuitant becomes so employed is covered by this chapter unless such service is performed as a justice or judge of the United States (as defined by section 451 of title 28) or as an employee subject to another retirement system for Government employees. Upon termination of the employment, the rights of the annuitant under subchapter II or V of this chapter (as the case may be) shall be redetermined. If the annuitant dies while still so employed, a survivor annuity payable with respect to the deceased annuitant shall be redetermined as if the employment had otherwise terminated on the date of death.

"(b) The amount of an annuity resulting from a redetermination of rights under this chapter pursuant to subsection (a) shall not be less than the amount of the terminated annuity plus any increases which (but for the reemployment) would have been payable under section 8462 after the termination of the annuity and before the commencement of the redetermined annuity.

"(c) The redetermined annuity commences on the first day of the month after termination of employment.

"§ 8469. Withholding of State income taxes

5 USC 8469.

Contracts.

"(a) The Office shall, in accordance with this section, enter into an agreement with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Office shall withhold State income tax in the case of the monthly annuity of any annuitant who voluntarily requests, in writing, such withholding. The amounts withheld during any calendar quarter shall be held in the Fund and disbursed to the States during the month following that calendar quarter.

"(b) An annuitant may have in effect at any time only one request for withholding under this section, and an annuitant may not have more than two such requests in effect during any one calendar year.

"(c) Subject to subsection (b), an annuitant may change the State designated by that annuitant for purposes of having withholdings made, and may request that the withholdings be remitted in accordance with such change. An annuitant also may revoke any request of that annuitant for withholding. Any change in the State designated or revocation is effective on the first day of the month after the month in which the request or the revocation is processed by the Office, but in no event later than on the first day of the second month beginning after the day on which such request or revocation is received by the Office.

100 STAT. 577

"(d) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on employers generally, or which subjects the United States or any annuitant to a penalty or liability because of this section. The Office may not accept pay from a State for services performed in withholding State income taxes from annuities. Any amount erroneously withheld from an annuity and paid to a State by the Office shall be repaid by the State in accordance with regulations issued by the Office.

"(e) For the purpose of this section—

"(1) the term 'State' means a State, the District of Columbia, or any territory or possession of the United States; and

"(2) the term 'annuitant' includes a survivor who is receiving an annuity from the Fund.

5 USC 8470.

"§ 8470. Exemption from legal process; recovery of payments

"(a) An amount payable under subchapter II, IV, or V of this chapter is not assignable, either in law or equity, except under the provisions of section 8465 or 8467, or subject to execution, levy, attachment, garnishment or other legal process, except as otherwise may be provided by Federal laws.

"(b) Recovery of payments under subchapter II, IV, or V of this chapter may not be made from an individual when, in the judgment of the Office, the individual is without fault and recovery would be against equity and good conscience. Withholding or recovery of money paid under subchapter II, IV, or V of this chapter on account of a certification or payment made by a former employee of the United States in the discharge of his official duties may be made only if the head of the agency on behalf of which the certification or payment was made certifies to the Office that the certification or payment involved fraud on the part of the former employee.

"SUBCHAPTER VII—FEDERAL RETIREMENT THRIFT INVESTMENT MANAGEMENT SYSTEM

5 USC 8471.

"§ 8471. Definitions

"For the purposes of this subchapter—

"(1) the term 'beneficiary' means an individual (other than a participant) entitled to payment from the Thrift Savings Fund under subchapter III of this chapter;

"(2) the term 'Council' means the Employee Thrift Advisory Council established under section 8473 of this title;

"(3) the term 'participant' means an individual for whom an account has been established under section 8439 of this title;

"(4) the term 'person' means an individual, partnership, joint venture, corporation, mutual company, joint-stock company, trust, estate, unincorporated organization, association, or labor organization; and

"(5) the term 'Thrift Savings Fund' means the Thrift Savings Fund established under section 8437 of this title.

100 STAT. 578

5 USC 8472.

"§ 8472. Federal Retirement Thrift Investment Board

"(a) There is established in the Executive branch of the Government a Federal Retirement Thrift Investment Board.

"(b) The Board shall be composed of—

"(1) 3 members appointed by the President, of whom 1 shall be designated by the President as Chairman; and

"(2) 2 members appointed by the President, of whom—

"(A) 1 shall be appointed by the President after taking into consideration the recommendation made by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives; and

"(B) 1 shall be appointed by the President after taking into consideration the recommendation made by the majority leader of the Senate in consultation with the minority leader of the Senate.

"(c) Except as provided in section 311 of the Federal Employees' Retirement System Act of 1986, appointments under subsection (a) shall be made by and with the advice and consent of the Senate.

"(d) Members of the Board shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans.

"(e)(1) Except as provided in section 311 of the Federal Employees' Retirement System Act of 1986, a member of the Board shall be appointed for a term of 4 years, except that of the members first appointed (other than the members appointed under such section)—

"(A) the Chairman shall be appointed for a term of 4 years;

"(B) the members appointed under subsection (b)(2) shall be appointed for terms of 3 years; and

"(C) the remaining members shall be appointed for terms of 2 years.

"(2)(A) A vacancy on the Board shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(3) The term of any member shall not expire before the date on which the member's successor takes office.

"(f) The Board shall—

"(1) establish policies for—

"(A) the investment and management of the Thrift Savings Fund; and

"(B) the administration of subchapter III of this chapter;

"(2) review the performance of investments made for the Thrift Savings Fund; and

"(3) review and approve the budget of the Board.

"(g)(1) The Board may—

"(A) adopt, alter, and use a seal;

"(B) except as provided in paragraph (2), direct the Executive Director to take such action as the Board considers appropriate to carry out the provisions of this subchapter and subchapter III of this chapter and the policies of the Board;

"(C) upon the concurring votes of four members, remove the Executive Director from office for good cause shown; and

100 STAT. 579

"(D) take such other actions as may be necessary to carry out the functions of the Board.

"(2) Except in the case of investments required by section 8438 of this title to be invested in securities of the Government, the Board may not direct the Executive Director to invest or to cause to be invested any sums in the Thrift Savings Fund in a specific asset or to dispose of or cause to be disposed of any specific asset of such Fund.

"(h) The members of the Board shall discharge their responsibilities solely in the interest of participants and beneficiaries under this subchapter and subchapter III of this chapter.

"§ 8473. Employee Thrift Advisory Council

5 USC 8473.

"(a) The Board shall establish an Employee Thrift Advisory Council. The Council shall be composed of 14 members appointed by the Chairman of the Board in accordance with subsection (b).

"(b) The Chairman shall appoint 14 members of the Council, of whom—

"(1) 4 shall be appointed to represent the respective labor organizations representing (as exclusive representatives) the first, second, third, and fourth largest numbers of individuals subject to chapter 71 of this title;

5 USC 7101 *et seq.*

"(2) 2 shall be appointed to represent the respective labor organizations which have been accorded exclusive recognition under section 1203(a) of title 39 representing the largest and second largest numbers of individuals employed by the United States Postal Service;

"(3) 1 shall be appointed to represent the labor organization which has been accorded exclusive recognition under section 1203(a) of title 39 representing the largest number of individuals employed by the United States Postal Service as rural letter carriers;

"(4) 2 shall be appointed to represent the respective managerial organizations (other than an organization described in paragraph (5)) which consult with the United States Postal Service under section 1004(b) of title 39 and which represent the largest and second largest numbers of individuals employed by the United States Postal Service as managerial personnel;

"(5) 1 shall be appointed to represent the supervisors' organization as defined in section 1004(h) of title 39;

"(6) 1 shall be appointed to represent employee organizations having as a purpose promoting the interests of women in Government service;

"(7) 1 shall be appointed to represent the organization representing the largest number of individuals receiving annuities under this chapter or chapter 83 of this title;

5 USC 8301 *et seq.*

"(8) 1 shall be appointed to represent the organization representing the largest number of individuals subject to the Performance Management and Recognition System under chapter 54 of this title; and

5 USC 5401 *et seq.*

"(9) 1 shall be appointed to represent the organization representing the largest number of members of the Senior Executive Service.

"(c)(1) The Chairman of the Board shall designate 1 member of the Council to serve as head of the Council.

"(2) A member of the Council shall be appointed for a term of 4 years.

"(3)(A) A vacancy in the Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(C) The term of any member shall not expire before the date on which the member's successor takes office.

"(d) The Council shall act by resolution of a majority of the members.

"(e) The Council shall—

"(1) advise the Board and the Executive Director on matters relating to—

"(A) investment policies for the Thrift Savings Fund; and

"(B) the administration of this subchapter and subchapter III of this chapter; and

"(2) perform such other duties as the Board may direct with respect to investment funds established in accordance with subchapter III of this chapter.

5 USC app.

"(f) Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Council.

5 USC 8474.

"§ 8474. Executive Director

"(a)(1) The Board shall appoint, without regard to the provisions of law governing appointments in the competitive service, an Executive Director by action agreed to by a majority of the members of the Board.

"(2) The Executive Director shall have substantial experience, training, and expertise in the management of financial investments and pension benefit plans.

"(b) The Executive Director shall—

"(1) carry out the policies established by the Board;

"(2) invest and manage the Thrift Savings Fund in accordance with the investment policies and other policies established by the Board;

Contracts.

"(3) purchase annuity contracts and provide for the payment of other benefits under subchapter III of this chapter;

"(4) administer the provisions of this subchapter and subchapter III of this chapter;

Regulations.

"(5) prescribe such regulations (other than regulations relating to fiduciary responsibilities) as may be necessary for the administration of this subchapter and subchapter III of this chapter; and

"(6) meet from time to time with the Council upon request of the Council.

"(c) The Executive Director may—

"(1) prescribe such regulations as may be necessary to carry out the responsibilities of the Executive Director under this section, other than regulations relating to fiduciary responsibilities;

"(2) appoint such personnel as may be necessary to carry out the provisions of this subchapter and subchapter III of this chapter;

"(3) subject to approval by the Board, procure the services of experts and consultants under section 3109 of this title; 5 USC 3109.

"(4) secure directly from an Executive agency, the United States Postal Service, or the Postal Rate Commission any information necessary to carry out the provisions of this subchapter or subchapter III of this chapter and policies of the Board;

"(5) make such payments out of sums in the Thrift Savings Fund as the Executive Director determines are necessary to carry out the provisions of this subchapter and subchapter III of this chapter and the policies of the Board;

"(6) pay the compensation, per diem, and travel expenses of individuals appointed under paragraphs (2), (3), and (7) of this subsection from the Thrift Savings Fund;

"(7) accept and use the services of individuals employed intermittently in the Government service and reimburse such individuals for travel expenses, as authorized by section 5703 of this title, including per diem as authorized by section 5702 of this title; 5 USC 5703. 5 USC 5702.

"(8) except as otherwise expressly prohibited by law or the policies of the Board, delegate any of the Executive Director's functions to such employees under the Board as the Executive Director may designate and authorize such successive redelegations of such functions to such employees under the Board as the Executive Director may consider to be necessary or appropriate; and

"(9) take such other actions as are appropriate to carry out the functions of the Executive Director.

"§ 8475. Investment policies

5 USC 8475.

"The Board shall develop investment policies under section 8472(f)(1) of this title which provide for—

"(1) prudent investments suitable for accumulating funds for payment of retirement income; and

"(2) low administrative costs.

"§ 8476. Administrative provisions

5 USC 8476.

"(a) The Board shall meet—

"(1) not less than once during each month; and

"(2) at additional times at the call of the Chairman.

"(b)(1) Except as provided in sections 8472(g)(1)(C) and 8474(a)(1) of this title, the Board shall perform the functions and exercise the powers of the Board on a majority vote of a quorum of the Board.

"(2) A vacancy on the Board shall not impair the authority of a quorum of the Board to perform the functions and exercise the powers of the Board.

"(c) Three members of the Board shall constitute a quorum for the transaction of business.

"(d)(1) Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at the daily rate of basic pay for grade GS-18 of the General Schedule for each day during which such member is engaged in performing a function of the Board. 5 USC 5332.

"(2) A member of the Board shall be paid travel, per diem, and other necessary expenses under subchapter I of chapter 57 of this title while traveling away from such member's home or regular place of business in the performance of the duties of the Board. 5 USC 5701.

"(3) Payments authorized under this subsection shall be paid from the Thrift Savings Fund.

"(e) The accrued annual leave of any employee who is a member of the Board or the Council shall not be charged for any time used in performing services for the Board or the Council.

5 USC 8477.

"§ 8477. Fiduciary responsibilities; liability and penalties

"(a) For the purposes of this section—

"(1) the term 'account' is not limited by the definition provided in section 8401(1);

"(2) the term 'adequate consideration' means—

"(A) in the case of a security for which there is a generally recognized market—

"(i) the price of the security prevailing on a national securities exchange which is registered under section 6 of the Securities Exchange Act of 1934; or 15 USC 78f.

"(ii) if the security is not traded on such a national securities exchange, a price not less favorable to the Thrift Savings Fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer and of any party in interest; and

"(B) in the case of an asset other than a security for which there is a generally recognized market, the fair market value of the asset as determined in good faith by a fiduciary or fiduciaries in accordance with regulations prescribed by the Secretary of Labor;

"(3) the term 'fiduciary' means—

"(A) a member of the Board;

"(B) the Executive Director;

"(C) any person who has or exercises discretionary authority or discretionary control over the management or disposition of the assets of the Thrift Savings Fund; and

"(D) any person who, with respect to the Thrift Savings Fund, is described in section 3(21)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(21)(A)); and

"(4) the term 'party in interest' includes—

"(A) any fiduciary;

"(B) any counsel to a person who is a fiduciary, with respect to the actions of such person as a fiduciary;

"(C) any participant;

"(D) any person providing services to the Board and, with respect to the actions of the Executive Director as a fiduciary any person providing services to the Executive Director;

"(E) a labor organization, the members of which are participants;

"(F) a spouse, sibling, ancestor, lineal descendant, or spouse of a lineal descendant of a person described in subparagraph (A), (B), or (D);

"(G) a corporation, partnership, or trust or estate of which, or in which, at least 50 percent of—

"(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation;

"(ii) the capital interest or profits interest of such partnership; or

"(iii) the beneficial interest of such trust or estate,

100 STAT. 583

is owned directly or indirectly, or held by a person described in subparagraph (A), (B), (D), or (E);

"(H) an official (including a director) of, or an individual employed by, a person described in subparagraph (A), (B), (D), (E), or (G), or an individual having powers or responsibilities similar to those of such an official;

"(I) a holder (directly or indirectly) of at least 10 percent of the shares in a person described in any subparagraph referred to in subparagraph (H); and

"(J) a person who, directly or indirectly, is at least a 10 percent partner or joint venturer (measured in capital or profits) in a person described in any subparagraph referred to in subparagraph (H).

"(b)(1) To the extent not inconsistent with the provisions of this chapter and the policies prescribed by the Board, a fiduciary shall discharge his responsibilities with respect to the Thrift Savings Fund or applicable portion thereof solely in the interest of the participants and beneficiaries and—

"(A) for the exclusive purpose of—

"(i) providing benefits to participants and their beneficiaries; and

"(ii) defraying reasonable expenses of administering the Thrift Savings Fund or applicable portions thereof;

"(B) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent individual acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like objectives; and

"(C) to the extent permitted by section 8438 of this title, by diversifying the investments of the Thrift Savings Fund or applicable portions thereof so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

"(2) No fiduciary may maintain the indicia of ownership of any assets of the Thrift Savings Fund outside the jurisdiction of the district courts of the United States.

"(c)(1) A fiduciary shall not permit the Thrift Savings Fund to engage in any of the following transactions, except in exchange for adequate consideration:

"(A) A transfer of any assets of the Thrift Savings Fund to any person the fiduciary knows or should know to be a party in interest or the use of such assets by any such person.

"(B) An acquisition of any property from or sale of any property to the Thrift Savings Fund by any person the fiduciary knows or should know to be a party in interest.

"(C) A transfer or exchange of services between the Thrift Savings Fund and any person the fiduciary knows or should know to be a party in interest.

"(2) Notwithstanding paragraph (1), a fiduciary with respect to the Thrift Savings Fund shall not—

"(A) deal with any assets of the Thrift Savings Fund in his own interest or for his own account;

"(B) act, in an individual capacity or any other capacity, in any transaction involving the Thrift Savings Fund on behalf of a party, or representing a party, whose interests are adverse to the interests of the Thrift Savings Fund or the interests of its participants or beneficiaries; or

100 STAT. 584

"(C) receive any consideration for his own personal account from any party dealing with sums credited to the Thrift Savings Fund in connection with a transaction involving assets of the Thrift Savings Fund.

"(3)(A) The Secretary of Labor may, in accordance with procedures which the Secretary shall by regulation prescribe, grant a conditional or unconditional exemption of any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by paragraph (2).

"(B) An exemption granted under this paragraph shall not relieve a fiduciary from any other applicable provision of this chapter.

"(C) The Secretary of Labor may not grant an exemption under this paragraph unless he finds that such exemption is—

"(i) administratively feasible;

"(ii) in the interests of the Thrift Savings Fund and of its participants and beneficiaries; and

"(iii) protective of the rights of participants and beneficiaries of such Fund.

"(D) An exemption under this paragraph may not be granted unless—

"(i) notice of the proposed exemption is published in the Federal Register;

"(ii) interested persons are given an opportunity to present views; and

"(iii) the Secretary of Labor affords an opportunity for a hearing and makes a determination on the record with respect to the respective requirements of clauses (i), (ii), and (iii) of subparagraph (C).

"(d) This section does not prohibit any fiduciary from—

"(1) receiving any benefit which the fiduciary is entitled to receive under this subchapter or subchapter III of this chapter as a participant or beneficiary;

"(2) receiving any reasonable compensation authorized by this subchapter for services rendered, or for reimbursement of expenses properly and actually incurred, in the performance of the fiduciary's duties under this chapter; or

"(3) serving as a fiduciary in addition to being an officer, employee, agent, or other representative of a party in interest.

"(e)(1)(A) Any fiduciary that breaches the responsibilities, duties, and obligations set out in subsection (b) or violates subsection (c) shall be personally liable to the Thrift Savings Fund for any losses to such Fund resulting from each such breach or violation and to restore to such Fund any profits made by the fiduciary through use of assets of such Fund by the fiduciary, and shall be subject to such other equitable or remedial relief as a court considers appropriate. A fiduciary may be removed for a breach referred to in the preceding sentence.

Law enforcement and crime.

26 USC 4975.

"(B) The Secretary of Labor may assess a civil penalty against a party in interest with respect to each transaction which is engaged in by the party in interest and is prohibited by subsection (c). The amount of such penalty shall be equal to 5 percent of the amount involved in each such transaction (as defined in section 4975(f)(4) of the Internal Revenue Code of 1954) for each year or part thereof during which the prohibited transaction continues, except that, if the transaction is not corrected (in such manner as the Secretary of Labor shall prescribe by regulation consistent with section 4975(f)(5) of such Code) within 90 days after the date the Secretary of Labor transmits notice to the party in interest (or such longer period as the Secretary of Labor may permit), such penalty may be in an amount not more than 100 percent of the amount involved.

100 STAT. 585

"(C) A fiduciary shall not be liable under subparagraph (A) with respect to a breach of fiduciary duty under subsection (b) committed before becoming a fiduciary or after ceasing to be a fiduciary.

"(D) A fiduciary shall be jointly and severally liable under subparagraph (A) for a breach of fiduciary duty under subsection (b) by another fiduciary if—

"(i) the fiduciary participates knowingly in, or knowingly undertakes to conceal, an act or omission of such other fiduciary, knowing such act or omission is such a breach;

"(ii) by the fiduciary's failure to comply with subsection (b) in the administration of the fiduciary's specific responsibilities which give rise to the fiduciary status, the fiduciary has enabled such other fiduciary to commit such a breach; or

"(iii) the fiduciary has knowledge of a breach by such other fiduciary, unless the fiduciary makes reasonable efforts under the circumstances to remedy the breach.

Regulations.

"(E) The Secretary of Labor shall prescribe, in regulations, procedures for allocating fiduciary responsibilities among fiduciaries, including investment managers. Any fiduciary who, pursuant to such procedures, allocates to a person or persons any fiduciary responsibility shall not be liable for an act or omission of such person or persons unless—

"(i) such fiduciary violated subsection (b) with respect to the allocation, with respect to the implementation of the procedures prescribed by the Board, or in continuing such allocation; or

"(ii) such fiduciary would otherwise be liable in accordance with subparagraph (D).

Courts, U.S.

"(2) A civil action may be brought in the district courts of the United States—

"(A) by the Secretary of Labor—

"(i) to determine and enforce a liability under paragraph (1)(A);

"(ii) to collect any civil penalty under paragraph (1)(B); or

"(iii) to enjoin any act or practice which violates subsection (g)(2) or (h) of section 8472 of this title;

"(B) by the Secretary of Labor, any participant, beneficiary, or fiduciary—

"(i) to enjoin any act or practice which violates any provision of subsection (b) or (c); or

"(ii) to obtain any other appropriate equitable relief to redress a violation of any such provision; or

"(C) by any participant or beneficiary to recover benefits due to him or her under the provisions of subchapter III of this chapter, to enforce his or her rights under such provisions, or to clarify his or her rights to future benefits under such provisions.

"(3) An action may not be commenced under paragraph (2) with respect to a fiduciary's breach of any responsibility, duty, or obligation under subsection (b) or a violation of subsection (c) after the earlier of—

"(A) 6 years after (i) the date of the last action which constituted a part of the breach or violation, or (ii) in the case of an omission, the latest date on which the fiduciary could have cured the breach or violation; or

100 STAT. 586

"(B) 3 years after the earliest date on which the plaintiff had actual knowledge of the breach or violation, except that, in the case of fraud or concealment, such action may be commenced not later than 6 years after the date of discovery of such breach or violation.

Courts, U.S.

"(4)(A) The district courts of the United States shall have exclusive jurisdiction of civil actions under this subsection.

"(B) An action under this subsection may be brought in the District Court of the United States for the District of Columbia or a district court of the United States in the district where the breach alleged in the complaint or petition filed in the action took place or in the district where a defendant resides or may be found. Process may be served in any other district where a defendant resides or may be found.

"(5)(A) A copy of the complaint or petition filed in any action brought under this subsection (other than by the Secretary of Labor) shall be served on the Executive Director, the Secretary of Labor, and the Secretary of the Treasury by certified mail.

"(B) Any officer referred to in subparagraph (A) of this paragraph shall have the right in his discretion to intervene in any action. If the Secretary of Labor brings an action under paragraph (2) of this subsection on behalf of a participant or beneficiary, he shall notify the Executive Director and the Secretary of the Treasury.

"(f) The Secretary of Labor may prescribe regulations to carry out this section.

"(g)(1) The Secretary of Labor shall establish a program to carry out audits to determine the level of compliance with the requirements of this section relating to fiduciary responsibilities and prohibited activities of fiduciaries.

"(2) An audit under this subsection may be conducted by the Secretary of Labor, by contract with a qualified non-governmental organization, or in cooperation with the Comptroller General of the United States, as the Secretary considers appropriate.

5 USC 8478.

"§ 8478. Bonding

"(a)(1) Except as provided in paragraph (2), each fiduciary (other than a member of the Employee Thrift Advisory Council with respect to his duties as a member) and each person who handles funds or property of the Thrift Savings Fund shall be bonded as provided in this section.

"(2)(A) Bond shall not be required of a fiduciary (or of any officer or employee of such fiduciary) if such fiduciary—

"(i) is a corporation organized and doing business under the laws of the United States or of any State;

"(ii) is authorized under such laws to exercise trust powers or to conduct an insurance business;

"(iii) is subject to supervision or examination by Federal or State authority; and

"(iv) has at all times a combined capital and surplus in excess of such minimum amount (not less than $1,000,000) as the Secretary of Labor prescribes in regulations.

"(B) If—

"(i) a bank or other financial institution would, but for this subparagraph, not be required to be bonded under this section by reason of the application of the exception provided in subparagraph (A),

"(ii) the bank or financial institution is authorized to exercise trust powers, and

"(iii) the deposits of the bank or financial institution are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation,

such exception shall apply to such bank or financial institution only if the bank or institution meets bonding requirements under State law which the Secretary of Labor determines are at least equivalent to those imposed on banks by Federal law.

"(b)(1) The Secretary of Labor shall prescribe the amount of a bond under this section at the beginning of each fiscal year. Except as otherwise provided in this paragraph, such amount shall not be less than 10 percent of the amount of funds handled. In no case shall such bond be less than $1,000 nor more than $500,000, except that the Secretary of Labor, after due notice and opportunity for hearing to all interested parties, and other consideration of the record, may prescribe an amount in excess of $500,000.

"(2) For the purpose of prescribing the amount of a bond under paragraph (1), the amount of funds handled shall be determined by reference to the amount of the funds handled by the person, group, or class to be covered by such bond or by their predecessor or predecessors, if any, during the preceding fiscal year, or to the amount of funds to be handled during the current fiscal year by such person, group, or class, estimated as provided in regulations prescribed by the Secretary of Labor.

"(c) A bond required by subsection (a)—

"(1) shall include such terms and conditions as the Secretary of Labor considers necessary to protect the Thrift Savings Fund against loss by reason of acts of fraud or dishonesty on the part of the bonded person directly or through connivance with others;

"(2) shall have as surety thereon a corporate surety company which is an acceptable surety on Federal bonds under authority granted by the Secretary of the Treasury pursuant to sections 6 through 13 of title 6; and

"(3) shall be in a form or of a type approved by the Secretary of Labor, including individual bonds or schedule or blanket forms of bonds which cover a group or class.

Law enforcement and crime.

"(d)(1) It shall be unlawful for any person to whom subsection (a) applies, to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of the Thrift Savings Fund without being bonded as required by this section.

"(2) It shall be unlawful for any fiduciary, or any other person having authority to direct the performance of functions described in paragraph (1), to permit any such function to be performed by any person to whom subsection (a) applies unless such person has met the requirements of such subsection.

"(e) Notwithstanding any other provision of law, any person who is required to be bonded as provided in subsection (a) shall be exempt from any other provision of law which would, but for this subsection, require such person to be bonded for the handling of the funds or other property of the Thrift Savings Fund.

Regulations.

"(f) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out the provisions of this section, including exempting a person or class of persons from the requirements of this section.

100 STAT. 588

"§ 8479. Exculpatory provisions; insurance

"(a) Any provision in an agreement or instrument which purports to relieve a fiduciary from responsibility or liability for any responsibility, obligation, or duty under this subchapter shall be void.

"(b)(1) The Executive Director may require employing agencies to contribute an amount not to exceed 1 percent of the amount such agencies are required to contribute in accordance with section 8432(c) of this title to the Thrift Savings Fund.

"(2) The sums credited to the Thrift Savings Fund under paragraph (1) shall be available and may be used at the discretion of the Executive Director to purchase insurance to cover potential liability of persons who serve in a fiduciary capacity with respect to the Thrift Savings Fund, without regard to whether a policy of insurance permits recourse by the insurer against the fiduciary in the case of a breach of a fiduciary obligation.".

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of part III of title 5, United States Code, is amended by inserting after the item relating to chapter 83 the following new item:

"84. Federal Employees' Retirement System .... 8401".

TITLE II—OTHER AMENDMENTS TO TITLE 5 OF THE UNITED STATES CODE

SEC. 201. TREATMENT UNDER CIVIL SERVICE RETIREMENT SYSTEM OF CERTAIN INDIVIDUALS EXCLUDED FROM FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

(a) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—(1) Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following:

"(k)(1) Effective with respect to pay periods beginning after December 31, 1986, in administering this section in the case of an individual described in section 8402(b)(2) of this title—

"(A) the amount to be deducted and withheld by the employing agency shall be determined in accordance with paragraph (2) of this subsection instead of the first sentence of subsection (a)(1) of this section; and

"(B) the amount of the contribution under the second sentence of subsection (a)(1) of this section shall be the amount which would have been contributed under such sentence if this subsection had not been enacted.

"(2)(A) With respect to Federal wages of an employee or Member (or that portion thereof) not exceeding the contribution and benefit base during the calendar year involved, the appropriate amount to be deducted and withheld under this subsection is the amount by which—

"(i) the total deduction for those wages (or for that portion) exceeds;

"(ii) the OASDI contribution with respect to those wages (or that portion).

"(B) With respect to any portion of Federal wages of an employee or Member which exceed the contribution and benefit base during the calendar year involved, the appropriate amount to be deducted and withheld under this subsection is an amount equal to the total deduction for that portion.

100 STAT. 589

"(C) For purposes of this paragraph—

"(i) the term 'Federal wages' means basic pay for service as an employee or Member, as the case may be;

"(ii) the term 'contribution and benefit base' means the contribution and benefit base in effect with respect to the period involved, as determined under section 230 of the Social Security Act;

42 USC 430.

"(iii) the term 'total deduction', as used with respect to any Federal wages (or portion thereof), means an amount equal to the amount of those wages (or of that portion), multiplied by the percentage which (but for this subsection) would apply under the first sentence of subsection (a)(1) with respect to the individual involved; and

"(iv) the term 'OASDI contribution', with respect to any income, means the amount of tax which may be imposed under section 3101(a) of the Internal Revenue Code of 1954 with respect to such income (determined without regard to any income which is not a part of Federal wages).

26 USC 3101.

"(3) The amount of a deposit under subsection (c) of this section for any service with respect to which paragraph (1) of this subsection applies shall be equal to an amount determined based on the preceding provisions of this subsection, and shall include interest.".

(2) Such section 8334 is further amended—

(A) in paragraphs (1) and (2) of subsection (e), by striking out "or (j)" and inserting in lieu thereof "(j), or (k)";

(B) in subsection (f), by inserting "or (k)" after "subsection (a)"; and

(C) in subsection (h), by striking out "and (j)" and inserting in lieu thereof "(j), and (k)".

(b) OFFSET IN BENEFITS.—(1) Subchapter III of chapter 83 of title 5, United States Code, is amended by adding at the end thereof the following:

5 USC 8331.
Post, pp. 591-593.

5 USC 8349.
42 USC 1305.

"§ 8349. Offset relating to certain benefits under the Social Security Act

"(a)(1) Notwithstanding any other provision of this subchapter, if an individual under section 8402(b)(2) is entitled, or would on proper application be entitled, to old-age insurance benefits under title II of the Social Security Act, the annuity otherwise payable to such individual shall be reduced under this subsection.

42 USC 401.

"(2) A reduction under this subsection commences beginning with the first month for which the individual both—

"(A) is entitled to an annuity under this subchapter; and

"(B) is entitled, or would on proper application be entitled, to old-age insurance benefits under title II of the Social Security Act.

"(3)(A)(i) Subject to clause (ii) and subparagraphs (B) and (C), the amount of a reduction under this subsection shall be equal to the difference between—

"(I) the old-age insurance benefit which would be payable to the individual for the month referred to in paragraph (2); and

"(II) the old-age insurance benefit which would be so payable, excluding all wages derived from Federal service of the individual, and assuming the individual were fully insured (as defined by section 214(a) of the Social Security Act). 42 USC 414.

100 STAT. 590

"(ii) For purposes of this subsection, the amount of a benefit referred to in subclause (I) or (II) of clause (i) shall be determined without regard to subsections (b) through (l) of section 203 of the Social Security Act, and without regard to the requirement that an application for such benefit be filed. 42 USC 403.

"(B) A reduction under this subsection—

"(i) may not exceed an amount equal to the product of—

"(I) the old-age insurance benefit to which the individual is entitled (or would on proper application be entitled) for the month referred to in paragraph (2), determined without regard to subsections (b) through (l) of section 203 of the Social Security Act; and

"(II) a fraction, as determined under section 8421(b)(3) with respect to the individual, except that the reference to 'service' in subparagraph (A) of such section shall be considered to mean Federal service; and

"(ii) may not cause the annuity payment for an individual to be reduced below zero.

"(C) An amount computed under subclause (I) or (II) of subparagraph (A)(i), or under subparagraph (B)(i)(I), for purposes of determining the amount of a reduction under this subsection shall be adjusted under section 8340 of this title.

"(4) A reduction under this subsection applies with respect to the annuity otherwise payable to such individual under this subchapter (other than under section 8337) for the month involved—

"(A) based on service of such individual; and

"(B) without regard to section 8345(j), if otherwise applicable.

"(5) The operation of the preceding paragraphs of this subsection shall not be considered for purposes of applying the provisions of the second sentence of section 215(a)(7)(B)(i) or the provisions of section 215(d)(5)(ii) of the Social Security Act in determining any amount under subclause (I) or (II) of paragraph (3)(A)(i) or paragraph (3)(B)(i)(I) for purposes of this subsection.

"(b)(1) Notwithstanding any other provision of this subchapter—

"(A) a disability annuity to which an individual described in section 8402(b)(2) is entitled under this subchapter, and

"(B) a survivor annuity to which a person is entitled under this subchapter based on the service of an individual described in section 8402(b)(2),

shall be subject to reduction under this subsection if that individual or person is also entitled (or would on proper application also be entitled) to any similar benefits under title II of the Social Security Act based on the wages and self-employment income of such individual described in section 8402(b)(2). 42 USC 401.

"(2)(A) Subject to subparagraph (B), reductions under this subsection shall be made in a manner consistent with the manner in which reductions under subsection (a) are computed and otherwise made.

"(B) Reductions under this subsection shall be discontinued if, or for so long as, entitlement to the similar benefits under title II of the Social Security Act (as referred to in paragraph (1)) is terminated (or, in the case of an individual who has not made proper application therefor, would be terminated).

"(3) For the purpose of applying section 224 of the Social Security Act to the disability insurance benefit used to compute the reduction under this subsection, the amount of the CSRS annuity considered shall be the amount of the CSRS annuity before application of this section. *Ante*, pp. 286, 287.

Regulations.
100 STAT. 591

"(4) The Office shall prescribe regulations to carry out this subsection.

"(c) For the purpose of this section, the term 'Federal service' means service which is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 by reason of the amendments made by section 101 of the Social Security Amendments of 1983.".

42 USC 401.
26 USC 3101 *et seq.*
26 USC 3121 and 3121 note;
42 USC 409-410 note.

(2) The analysis for chapter 83 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"8349. Offset relating to certain benefits under the Social Security Act.".

(c) Creditability of Interim Service.—Section 8334(c) of title 5, United States Code, is amended by adding at the end thereof the following: "Notwithstanding the preceding provisions of this subsection and any provision of section 206(b)(3) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983, the percentage of basic pay required under this subsection in the case of an individual described in section 8402(b)(2) shall, with respect to any covered service (as defined by section 203(a)(3) of such Act) performed by such individual after December 31, 1983, and before January 1, 1987, be equal to 1.3 percent.".

5 USC 8331 note.
5 USC 8331 note.

SEC. 202. NON-APPLICABILITY OF CIVIL SERVICE RETIREMENT SYSTEM TO INDIVIDUALS UNDER FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

(a) Employees.—Section 8331(1) of title 5, United States Code, is amended—

(1) by amending clause (ii) to read as follows:

"(ii) an employee subject to another retirement system for Government employees (other than an employee described in clause (x);";

(2) by striking "or" at the end of clause (viii);

(3) by striking the period at the end of clause (ix) and inserting in lieu thereof "; or"; and

(4) by adding after clause (ix) the following:

"(x) an employee subject to the Federal Employees' Retirement System.".

(b) Members of Congress.—Section 8331(2) of title 5, United States Code, is amended by striking the semicolon and inserting in lieu thereof ", but does not include any such Member of Congress who is subject to the Federal Employees' Retirement System or who makes an election under section 8401(20) of this title not to be subject to such System;".

SEC. 203. PAY FOR THE EXECUTIVE DIRECTOR OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Executive Director, Federal Retirement Thrift Investment Board.".

SEC. 204. ALTERNATIVE FORMS OF ANNUITIES.

(a) In General.—Title 5, United States Code, is amended by inserting after section 8343 the following:

Regulations.
5 USC 8343a.

"§ 8343a. Alternative forms of annuities

100 STAT. 592

"(a) The Office of Personnel Management shall prescribe regulations under which an employee or Member may, at the time of retiring under this subchapter (other than under section 8337 of this title), elect annuity benefits under this section instead of any other benefits under this subchapter (including any benefits under section 8341 of this title) based on the service of the employee or Member.

Regulations.

"(b) Subject to subsection (c), the Office shall by regulation provide for such alternative forms of annuities as the Office considers appropriate, except that among the alternatives offered shall be—

"(1) an alternative which provides for—

"(A) payment of the lump-sum credit to the employee or Member; and

"(B) payment of an annuity to the employee or Member for life; and

"(2) in the case of an employee or Member who is married at the time of retirement, an alternative which provides for—

"(A) payment of the lump-sum credit to the employee or Member; and

"(B) payment of an annuity to the employee or Member for life, with a survivor annuity payable for the life of a surviving spouse.

"(c) Each alternative provided for under subsection (b) shall, to the extent practicable, be designed such that the present value of the benefits provided under such alternative (including any lump-sum credit) is actuarially equivalent to the present value of the annuity which would otherwise be provided the employee or Member under this subchapter, as computed under subsections (a)–(i) and (n) of section 8339 of this title.

"(d) An employee or Member who, at the time of retiring under this subchapter—

"(1) is married, shall be ineligible to make an election under this section unless a waiver is made under section 8339(j)(1) of this title; or

"(2) has a former spouse, shall be ineligible to make an election under this section if the former spouse is entitled to benefits under section 8341(h) or 8345(j) of this title (based on the service of the employee or Member) under the terms of a decree of divorce or annulment, or a court order or court-approved property settlement incident to any such decree, with respect to which the Office has been duly notified.

"(e) An employee or Member who is married at the time of retiring under this subchapter and who makes an election under this section may, during the 18-month period beginning on the date of retirement, make the election provided for under section 8339(o) of this title, subject to the deposit requirement thereunder.".

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8343 the following:

"8343a. Alternative forms of annuities.".

(2) The second sentence of section 8342(a) of title 5, United States Code, is amended by striking "The" and inserting in lieu thereof "Except as provided in section 8343a of this title, the".

SEC. 205. RETIREMENT COUNSELING.

(a) IN GENERAL.—Subchapter III of chapter 83 of title 5, United States Code, as amended by section 201(b), is further amended by adding at the end thereof the following: 100 STAT. 593

"§ 8350. Retirement counseling 5 USC 8350.

"(a) For the purposes of this section, the term 'retirement counselor', when used with respect to an agency, means an employee of the agency who is designated by the head of the agency to furnish information on benefits under this subchapter and chapter 84 of this title and counseling services relating to such benefits to other employees of the agency. *Ante*, p. 517.

"(b) The Director of the Office of Personnel Management shall establish a training program for all retirement counselors of agencies of the Federal Government.

"(c)(1) The training program established under subsection (b)(1) of this section shall provide for comprehensive training in the provisions and administration of this subchapter and chapter 84 of this title, shall be designed to promote fully informed retirement decisions by employees and Members under this subchapter and individuals subject to chapter 84 of this title, and shall be revised as necessary to assure that the information furnished to retirement counselors of agencies under the program is current.

"(2) The Director shall conduct a training session under the training program at least once every 3 months.

"(3) Once each year, each retirement counselor of an agency shall successfully complete a training session conducted under the training program.".

(b) CHAPTER ANALYSIS.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 8349 the following:

"8350. Retirement counseling.".

SEC. 206. PARTICIPATION BY CERTAIN EMPLOYEES AND MEMBERS ONLY IN THE THRIFT SAVINGS PLAN.

(a)(1) Subchapter III of chapter 83 of title 5, United States Code (as amended by sections 201(b) and 205(a) of this Act), is amended by adding at the end thereof the following new section:

5 USC 8351.

"§ 8351. Participation in the Thrift Savings Plan

"(a)(1) An employee or Member may elect to contribute to the Thrift Savings Fund established by section 8437 of this title.

"(2) An election may be made under paragraph (1) only during a period provided under section 8432(b) for individuals who are subject to chapter 84 of this title.

"(b)(1) Except as otherwise provided in this subsection, the provisions of subchapters III and VII of chapter 84 of this title shall apply with respect to employees and Members making contributions to the Thrift Savings Fund under subsection (a) of this section.

"(2) An employee or Member may contribute to the Thrift Savings Fund in any pay period any amount not exceeding 5 percent of the amount of the employee's or Member's basic pay for such period.

"(3) No contributions may be made by an employing agency for the benefit of an employee or Member under section 8432(c) of this title.

"(4) Section 8433(b) of this title applies to any employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and separates from Government employment entitled to an immediate annuity under this subchapter (including a disability retirement annuity under section 8337 of this title) or separates from Government employment entitled to benefits under subchapter I of chapter 81 of this title.

5 USC 8101.

"(5) Section 8433(c) of this title applies to any employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and separates entitled to a deferred annuity under this subchapter.

"(6) Section 8433(d) of this title applies to any employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and separates from the service before becoming entitled to an immediate or deferred annuity under this subchapter.

"(7)(A) The provisions of section 8435 of this title that require a waiver or consent by the spouse of an employee or Member (or former employee or Member) shall not apply with respect to sums in the Thrift Savings Fund contributed by the employee or Member (or former employee or Member) and earnings in the fund attributable to such sums.

Loans.

"(B) An election, change of election, or modification (relating to the commencement date of a deferred annuity) authorized by subchapter III of chapter 84 of this title shall be effective in the case of a married employee or Member, and a loan may be approved under section 8433(i) of this title in such case, only after the Executive Director notifies the employee's or Member's spouse that the election, change of election, or modification has been made or that the Executive Director has received an application for such loan, as the case may be.

"(C) Subparagraph (B) may be waived with respect to a spouse or former spouse if the employee or Member establishes to the satisfaction of the Executive Director of the Federal Retirement Thrift Investment Board that the whereabouts of such spouse or former spouse cannot be determined.

"(8) Sums contributed under this section and earnings attributable to such sums may be invested and reinvested only in the Government Securities Investment Fund established under section 8438(b)(1)(A) of this title. Securities.

"(c) The Executive Director of the Federal Retirement Thrift Investment Board may prescribe regulations to carry out this section.". Regulations.

(2) The analysis for chapter 83 of such title is amended by adding at the end thereof the following:

"8351. Participation in the Thrift Savings Plan.".

5 USC 8351 note.

(b) An election may first be made by an employee of the Federal Government or a Member of Congress under section 8351 of title 5, United States Code (as added by subsection (a)(1)), during the first period referred to in subsection (a)(2) of such section which commences on or after July 1, 1987.

SEC. 207. MISCELLANEOUS AMENDMENTS.

(a) Amendment to Section 2105.—Section 2105(c)(2) of title 5, United States Code, is amended by striking out "chapter 81" and inserting in lieu thereof "chapter 81, chapter 84,".

(b) Amendment to Section 2109.—Section 2109(1) of title 5, United States Code, is amended to read as follows:

"(1) 'air traffic controller' or 'controller' means a civilian employee of the Department of Transportation or the Depart- 100 STAT. 595
ment of Defense who, in an air traffic control facility or flight service station facility—

"(A) is actively engaged—

"(i) in the separation and control of air traffic; or

"(ii) in providing preflight, inflight, or airport advisory service to aircraft operators; or

"(B) is the immediate supervisor of any employee described in subparagraph (A); and".

(c) Amendment to Section 6301.—Section 6301(2)(B) of title 5, United States Code, is amended to read as follows: District of Columbia.

"(B) an individual first employed by the government of the District of Columbia before October 1, 1987;".

(d) Amendment to Section 6303.—The second sentence of section 6303(a) of title 5, United States Code, is amended by striking out "title." and inserting in lieu thereof "title and all service creditable under section 8411 of this title for the purpose of chapter 84 of this title.". *Ante*, p. 517.

(e) Amendment to Section 8116.—Section 8116 of title 5, United States Code, is amended by adding at the end thereof the following:

"(d) Notwithstanding the other provisions of this section, an individual receiving benefits for disability or death under this subchapter who is also receiving benefits under subchapter III of chapter 84 of this title or benefits under title II of the Social Security Act 42 USC 401.
shall be entitled to all such benefits, except that—

"(1) benefits received under section 223 of the Social Security Act (on account of disability) shall be subject to reduction on 42 USC 423.
account of benefits paid under this subchapter pursuant to the provisions of section 224 of the Social Security Act; and 42 USC 424a.

"(2) in the case of benefits received on account of age or death under title II of the Social Security Act, compensation payable under this subchapter based on the Federal service of an employee shall be reduced by the amount of any such social security benefits payable that are attributable to Federal service of that employee covered by chapter 84 of this title. However, eligibility for or receipt of benefits under chapter 84 of this title, or benefits under title II of the Social Security Act by virtue of service covered by chapter 84 of this title, does not affect the right of the employee to compensation for scheduled disabilities specified by section 8107(c) of this title.".

(f) AMENDMENTS TO SECTION 8331.—Section 8331(1) of title 5, United States Code, as amended by section 202(a), is further amended—

District of Columbia.

(1) by amending subparagraph (G) to read as follows:

"(G) an individual first employed by the government of the District of Columbia before October 1, 1987;"; and

(2) by striking out "or" at the end of clause (ix), by striking out the period at the end of clause (x) and inserting in lieu thereof "; or", and by adding after clause (x) the following:

"(xi) an employee under the Botanic Garden excluded by the Director or Acting Director of the Botanic Garden under section 8347(l) of this title.".

(g) AMENDMENTS TO SECTION 8332.—(1) Section 8332(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (12), striking the period at the end of the first paragraph (13) and inserting a semicolon, redesignating the second paragraph (13) as paragraph (14), and striking the period at the end of such paragraph (14) (as so redesignated) and inserting "; and";

100 STAT. 596

(B) by inserting after paragraph (14) (as so redesignated by subparagraph (A)) the following:

District of Columbia. Guam. Virgin Islands.

"(15) subject to sections 8334(c) and 8339(i) of this title, service performed on or after January 3, 1969, and before January 4, 1973, as the Washington Representative for Guam or the Washington Representative for the Virgin Islands, only if the individual serves as a Member for a period of at least five years after January 2, 1973.";

(C) in the second sentence after paragraph (15) (as added by subparagraph (B)), by striking "(13)" and inserting "(14)"; and

(D) by adding at the end thereof the following: "For the purpose of this subchapter, service of the type described in paragraph (15) of this subsection shall be considered Member service.".

(2) The last sentence of section 8332(f) of title 5, United States Code, is amended by striking "(13)" and inserting "(14)".

(3) The last sentence of section 8332(k)(1) of title 5, United States Code, is amended by striking "second" and inserting "third".

(h) AMENDMENTS TO SECTION 8342.—Section 8342(a) of title 5, United States Code, is amended—

Ante, p. 517.

(1) in paragraphs (1)(B) and (3), by inserting ", or chapter 84 of this title," after "subchapter"; and

(2) by adding at the end the following: "In applying this subsection with respect to an employee or Member who becomes subject to chapter 84 of this title, entitlement to payment of the lump-sum credit shall be determined without regard to paragraph (1) or (3) if, and to the extent that, such lump-sum credit relates to service of a type described in clauses (i) through (iii) of section 302(a)(1)(C) of the Federal Employees' Retirement System Act of 1986.".

(i) AMENDMENT TO SECTION 8347.—Section 8347 of title 5, United States Code, is amended by adding at the end thereof the following:

"(n)(1) Notwithstanding any other provision of this subchapter, the Director of Central Intelligence shall, in a manner consistent with the administration of this subchapter by the Office, and to the extent considered appropriate by the Director of Central Intelligence—

"(A) determine entitlement to benefits under this subchapter based on the service of employees of the Central Intelligence Agency;

Records.

"(B) maintain records relating to the service of such employees;

"(C) compute benefits under this subchapter based on the service of such employees;

"(D) collect deposits to the Fund made by such employees, their spouses, and their former spouses;

"(E) authorize and direct disbursements from the Fund to the extent based on service of such employees; and

"(F) perform such other functions under this subchapter as the Director of Central Intelligence, in consultation with the Director of the Office of Personnel Management, determines to be appropriate.

"(2) The Director of the Office of Personnel Management shall furnish such information and, on a reimbursable basis, such services to the Director of Central Intelligence as the Director of Central Intelligence requests to carry out paragraph (1) of this subsection.

Regulations.

"(3)(A) The Director of Central Intelligence, in consultation with the Director of the Office of Personnel Management, shall by regulation prescribe appropriate procedures to carry out this subsection.

"(B) The regulations shall provide procedures for the Director of the Office of Personnel Management to inspect and audit disbursements from the Civil Service Retirement and Disability Fund under this subchapter.

"(C) The Director of Central Intelligence shall submit the regulations prescribed under subparagraph (A) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before the regulations take effect.

"(4)(A) Section 201(c) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees shall apply in the administration of this subchapter to the extent that the provisions of this subchapter are administered under this subsection.

50 USC 403 note.

"(B) Notwithstanding subparagraph (A) of this paragraph, section 8347(d) of this title shall apply with respect to employees of the Central Intelligence Agency who are subject to the Civil Service Retirement System.".

(j) AMENDMENTS TO SECTION 8348.—Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(A), by striking out "subchapter;" and inserting in lieu thereof "subchapter or by the provisions of chapter 84 of this title which relate to benefits payable out of the Fund;";

Ante, p. 517.

(2) in paragraph (1)(B)—

(A) by inserting "or 8462" after "8340"; and

(B) by striking out "title, and" and inserting in lieu thereof "title or subchapters II and IV of chapter 84 of this title, and"; and

(3) in paragraph (2), by striking out "chapter" and inserting in lieu thereof "chapter, chapter 84 of this title,".

(k) AMENDMENTS TO CHAPTER 87.—Chapter 87 of title 5, United States Code, is amended—

5 USC 8701 *et seq.*

(1) by amending section 8701(a)(6) to read as follows:

"(6) an individual first employed by the government of the District of Columbia before October 1, 1987;";

(2) in section 8706, by striking out subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(3) by striking out subsection (c)(1) of section 8714a and inserting in lieu thereof the following:

Insurance.

"(c)(1) Except as otherwise provided in this subsection, the optional insurance on an employee stops on his separation from service or 12 months after discontinuance of his pay, whichever is earlier, subject to a provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance under conditions approved by the Office.";

(4) by striking out the first sentence of section 8714b(c)(1) and inserting in lieu thereof the following: "Except as otherwise provided in this subsection, the additional optional insurance

elected by an employee pursuant to this section shall stop on separation from service or 12 months after discontinuance of his pay, whichever is earlier, subject to a provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance under conditions approved by the Office."; and

100 STAT. 598

(5) by striking out subsection (c)(1) of section 8714c and inserting in lieu thereof the following:

"(c)(1) Except as otherwise provided in this subsection, the optional life insurance on family members shall stop at the earlier of the employee's death, the employee's separation from the service, or 12 months after discontinuance of pay, subject to a provision for temporary extension of life insurance coverage and for conversion to individual policies of life insurance under conditions approved by the Office.".

(l) AMENDMENTS TO SECTION 8901.—Section 8901 of title 5, United States Code, is amended—

(1) by amending paragraph (1)(E) to read as follows:

District of Columbia.

"(E) an individual first employed by the government of the District of Columbia before October 1, 1987;";

(2) by amending paragraph (3)(A) to read as follows:

"(A) an employee who retires—

Ante, pp. 589, 591–593.

"(i) on an immediate annuity under subchapter III of chapter 83 of this title, or another retirement system for employees of the Government, after 5 or more years of service;

"(ii) under section 8412 or 8414 of this title; or

Ante, p. 517.

"(iii) for disability under subchapter III of chapter 83 of this title, chapter 84 of this title, or another retirement system for employees of the Government;";

(3) in paragraph (4), by inserting "or chapter 84" after "83";

(4) in paragraph (10)(C)(i), by inserting "or 8467" after "8345(j)", by inserting "or 8445" after "8341(h)", and by striking out "System)," and inserting in lieu thereof "System or the Federal Employees' Retirement System),"; and

(5) in paragraph (10)(C)(ii)—

(A) by striking out "or 8345(j)" and inserting in lieu thereof "8345(j), 8445, or 8467" and by striking out "System)" and inserting in lieu thereof "System or the Federal Employees' Retirement System)"; and

(B) by inserting "or 8417(b)" after "8339(j)(3)".

(m) AMENDMENTS TO SECTION 8905.—Section 8905(c)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by inserting "or 8417(b)" after "8339(j)(3)"; and

(2) in the second sentence, by striking out "or 8345(j)" and inserting in lieu thereof "8345(j), 8445, or 8467".

(n) AMENDMENT TO SECTION 5102.—Section 5102(c)(14) of title 5, United States Code, is amended by inserting "(other than employees of the Federal Retirement Thrift Investment Management System appointed under section 8474(c)(2) of this title)" after "United States".

100 STAT. 599

TITLE III—OTHER PROVISIONS RELATING TO THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM AND THE CIVIL SERVICE RETIREMENT SYSTEM

5 USC 8331 note.

SEC. 301. ELECTIONS.

(a) ELECTIONS FOR INDIVIDUALS SUBJECT TO THE CIVIL SERVICE RETIREMENT SYSTEM.—(1)(A) Any individual (other than an individual under subsection (b)) who, as of June 30, 1987, is employed by the Federal Government, and who is then subject to subchapter III of chapter 83 of title 5, United States Code, may elect to become subject to chapter 84 of such title.

Ante, pp. 589, 591–593.
Ante, p. 517.

(B) An election under this paragraph may not be made before July 1, 1987, or after December 31, 1987.

(2)(A) Any individual who, after June 30, 1987, becomes reemployed by the Federal Government, and who is then subject to subchapter III of chapter 83 of title 5, United States Code, may elect to become subject to chapter 84 of such title.

(B) An election under this paragraph shall not be effective unless it is made during the six-month period beginning on the date on which reemployment commences.

(b) Elections for Certain Individuals Serving Continuously Since December 31, 1983.—The following rules shall apply in the case of any individual described in section 8402(b)(1) of title 5, United States Code:

(1) If, as of December 31, 1986, the individual is subject to subchapter III of chapter 83 of title 5, United States Code, but is not subject to section 204 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983, the individual shall remain so subject to such subchapter unless the individual elects, after June 30, 1987, and before January 1, 1988—

5 USC 8331 note.

(A) to become subject to such subchapter under the same terms and conditions as apply in the case of an individual described in section 8402(b)(2) of such title who is subject to such subchapter; or

(B) to become subject to chapter 84 of such title.

An individual eligible to make an election under this paragraph may make the election described in subparagraph (A) or (B), but not both.

(2) If, as of December 31, 1986, the individual is subject to subchapter III of chapter 83 of title 5, United States Code, and is also subject to section 204 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983, the individual—

(A) shall, as of January 1, 1987, become subject to such subchapter under the same terms and conditions as apply in the case of an individual described in section 8402(b)(2) of such title who is subject to such subchapter; and

(B) may (during the six-month period described in subsection (a)(1)(B)) elect to become subject to chapter 84 of such title.

(3)(A)(i) If, as of December 31, 1986, the individual is not subject to subchapter III of chapter 83 of title 5, United States Code, the individual may, during the six-month period described in subsection (a)(1)(B), and if such individual has not since become subject to such subchapter pursuant to notification under section 8331(2) of such title, elect to become subject to chapter 84 of such title.

100 STAT. 600

Ante, p. 591.

(ii) An individual who makes an election under this subparagraph ceases to be eligible to become subject to subchapter III of chapter 83 of title 5, United States Code, pursuant to notification under section 8331(2) of such title.

Ante, pp. 589, 591–593.

(B) Except as provided in subparagraph (A)(ii), nothing in this paragraph shall preclude an individual from becoming subject to subchapter III of chapter 83 of title 5, United States Code, pursuant to notification under section 8331(2) of such title. However, an individual who becomes subject to such subchapter pursuant to notification under such section 8331(2) after December 31, 1986, shall become subject to such subchapter under the same terms and conditions as apply in the case of an individual described in section 8402(b)(2) of such title who is subject to such subchapter.

(c) Effective Date; Irrevocability.—An election made under this section—

(1) shall take effect beginning with the first pay period beginning after the date of the election; and

(2) shall be irrevocable.

(d) Condition for Making an Election; Extension To Satisfy Condition.—(1) An election under this section to become subject to chapter 84 of title 5, United States Code, shall not be considered effective in the case of an individual having one or more former spouses, unless the election is made with the written consent of such former spouse (or each such former spouse, if there is more than one).

Ante, p. 517.

(2)(A) This subsection applies with respect to a former spouse who (based on the service of the individual involved) is entitled to benefits under section 8341(h) or 8345(j) of title 5, United States Code, under the terms of a decree of divorce or annulment, or a court order or court-approved property settlement incident to any such decree, with respect to which the Office of Personnel Management has been duly notified.

(B) This subsection does not apply with respect to a former spouse who has ceased to be so entitled as a result of remarrying before age 55.

(3) The requirement under paragraph (1) shall be considered satisfied with respect to a former spouse if the individual seeking to make the election establishes to the satisfaction of the Office (in accordance with regulations prescribed by the Office)—

(A) that the former spouse's whereabouts cannot be determined; or

(B) that, due to exceptional circumstances, requiring the individual to seek the former spouse's consent would otherwise be inappropriate.

(4)(A) The Office shall, upon application of an individual, grant an extension for such individual to make an election referred to in paragraph (1) if such individual—

(i) files application for extension before the end of the period during which such individual would otherwise be eligible to make such election; and

(ii) demonstrates to the satisfaction of the Office that the extension is needed to secure the modification of a decree of divorce or annulment (or a court order or court-approved property settlement incident to any such decree) in order to satisfy the consent requirement under paragraph (1).

100 STAT. 601

(B) An extension under this paragraph shall be for 6 months or for such longer period as the Office considers appropriate.

(e) Exclusions.—This section does not apply to an individual under section 8331(1)(G) of title 5, United States Code.

Ante, p. 595.

5 USC 8331 note.

SEC. 302. EFFECT OF AN ELECTION UNDER SECTION 301 TO BECOME SUBJECT TO THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

(a) General and Special Rules.—All provisions of chapter 84 of title 5, United States Code (including those relating to disability benefits, survivor benefits, and any reductions to provide for survivor benefits) shall apply with respect to any individual who becomes subject to such chapter pursuant to an election under section 301, except if, or to the extent that, such provisions are inconsistent with the following:

Ante, p. 517.

(1)(A) Any civilian service which is performed before the effective date of the election under section 301 shall not be creditable under chapter 84 of title 5, United States Code, except as otherwise provided in this subsection.

(B) Any service described in subparagraph (A) which is covered service within the meaning of section 203(a)(3) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1107; 5 U.S.C. 8331 note) (hereinafter in this section referred to as "covered service") shall be creditable under chapter 84 of title 5, United States Code, if—

(i) with respect to any such service performed before January 1, 1987, 1.3 percent of basic pay for such service was withheld in accordance with such Act or, if either such withholding was not made or was made, but the amount so withheld was subsequently refunded, 1.3 percent of basic pay for such period is deposited to the credit of the Civil Service Retirement and Disability Fund (hereinafter in this section referred to as the "Fund"), with interest (computed under section 8334(e) of such title); and

(ii) with respect to any such service performed after December 31, 1986, and before the effective date of the election, an amount equal to the percentage of basic pay for such service which would be required to be withheld under section 8422(a) of title 5, United States Code, has been contributed to the Fund by the individual involved, whether by withholdings from pay or, if either no withholding was made or was made, but the amount withheld was subsequently refunded, the aforementioned percentage of basic pay for such period is deposited to the credit of the Fund, with interest (computed under section 8334(e) of such title).

(C) Any service described in subparagraph (A)—

(i) which is not covered service;

(ii) which constitutes service of a type described in section 8411(b)(3) of title 5, United States Code (determined without regard to whether such service was performed before, on, or after January 1, 1989, and without regard to the provisions of section 8411(f) of such title); and

(iii) which, in the aggregate, is equal to less than 5 years;

shall be creditable under chapter 84 of such title, subject to section 8411(f) of such title.

Ante, p. 517.

(D) Any service described in subparagraph (A)—

(i) which is not covered service;

(ii) which constitutes service of a type described in section 8411(b)(3) of title 5, United States Code (determined without regard to whether such service was performed before, on, or after January 1, 1989, and without regard to the provisions of section 8411(f) of such title); and

(iii) which, in the aggregate, is equal to 5 years or more;

shall be creditable for purposes of—

(I) section 8410 of such title, relating to the minimum period of civilian service required to be eligible for an annuity;

(II) any provision of section 8412 (other than subsection (d) or (e) thereof), 8413, 8414, 8442(b)(1)(B), or 8451 of such title which relates to a minimum period of service for entitlement to an annuity;

(III) the provisions of paragraphs (4) and (6);

(IV) any provision of section 8412(d) of such title which relates to a minimum period of service for entitlement to an annuity, but only if and to the extent that the service described in subparagraph (A) was as a law enforcement officer or firefighter; and

(V) any provision of section 8412(e) of such title which relates to a minimum period of service for entitlement to an annuity, but only if and to the extent that the service described in subparagraph (A) was as an air traffic controller.

(2)(A) Except as provided in subparagraph (B), the creditability under chapter 84 of title 5, United States Code, of any military service which is performed before the effective date of the election under section 301 shall be determined in accordance with applicable provisions of such chapter.

(B) If the electing individual has performed service described in clauses (i) through (iii) of paragraph (1)(D), service described

Ante, pp. 589, 591–593.

in subparagraph (A) which, but for the provisions of subsection (b), would be creditable under subchapter III of chapter 83 of title 5, United States Code, as in effect on December 31, 1986, shall be creditable for purposes of—

(i) any provision of section 8412 (other than subsection (d) or (e) thereof), 8413, or 8414 of such title which relates to a minimum period of service for entitlement to an annuity; and

(ii) the provisions of paragraph (4).

(3)(A)(i) If the electing individual becomes entitled to an annuity under subchapter II of chapter 84 of title 5, United States Code, or dies leaving a survivor or survivors entitled to benefits under subchapter IV of such chapter, the annuity for such individual shall be equal to the sum of the individual's accrued benefits under the Civil Service Retirement System (as determined under paragraph (4)) and the individual's accrued benefits under the Federal Employees' Retirement System (as determined under paragraph (5)).

(ii) An annuity computed under this subparagraph shall be deemed to be the individual's annuity computed under section 8415 of title 5, United States Code.

100 STAT. 603

(B) If the electing individual becomes entitled to an annuity under subchapter V of chapter 84 of title 5, United States Code, and if it becomes necessary to compute an annuity under section 8415 of such title with respect to such individual as a result of such individual's having become so entitled, the methodology set forth in subparagraph (A) shall be used in computing any such annuity under section 8415.

Ante, pp. 589, 591–593.

(4) Except as provided in paragraph (12)(B), accrued benefits under this paragraph shall be computed in accordance with applicable provisions of subchapter III of chapter 83 of title 5, United States Code (but without regard to subsection (j) or (k), or the second sentence of subsection (e), of section 8339 of such title) using only any civilian service under paragraph (1)(D), and any military service under paragraph (2)(B), which would be creditable for purposes of computing an annuity under such subchapter.

Ante, p. 517.

(5) Accrued benefits under this paragraph shall be computed under section 8415 of title 5, United States Code, using—

(A) total service creditable under chapter 84 of such title which is performed on or after the effective date of the election under section 301; and

(B) with respect to service performed before such effective date—

(i) creditable civilian service (as determined under applicable provisions of this subsection) other than any service described in paragraph (1)(D); and

(ii) creditable military service (as determined under applicable provisions of this subsection) other than any service described in paragraph (2)(B).

(6)(A) For purposes of any computation under paragraph (4) or (5), the average pay to be used shall be the largest annual rate resulting from averaging the individual's rates of basic pay in effect over any 3 consecutive years of creditable service or, in the case of an annuity based on service of less than 3 years, over the total period of service so creditable, with each rate weighted by the period it was in effect.

(B) For purposes of subparagraph (A), service shall be considered creditable if it would be considered creditable for purposes of determining average pay under chapter 83 or 84 of title 5, United States Code.

5 USC 8301 *et seq.*

(7) The cost-of-living adjustments for the annuity of the electing individual shall be made as follows:

(A) The portion of the annuity attributable to paragraph (4) shall be adjusted at the time and in the amount provided for under section 8340 of title 5, United States Code.

(B) The portion of the annuity attributable to paragraph

(5) shall be adjusted at the time and in the amount provided for under section 8462 of title 5, United States Code.

(8) For purposes of any computation under paragraph (4) in the case of an individual who retires under section 8412 or 8414 of title 5, United States Code, or who dies leaving a survivor or survivors entitled to benefits under subchapter IV of such chapter, sick leave creditable under section 8339(m) of such title shall be equal to the number of days of unused sick leave to the individual's credit as of the date of retirement or as of the effective date of the individual's election under section 301, whichever is less.

100 STAT. 604

(9) In computing the annuity under paragraph (3) for an individual retiring under section 8412(g) or 8413(b) of title 5, United States Code, the reduction under section 8415(f) of such title shall apply with respect to the sum computed under such paragraph.

(10) An annuity supplement under section 8421 of title 5, United States Code, shall be computed using the same service as is used for the computation under paragraph (5).

(11) Effective from its commencing date, an annuity payable to an annuitant's survivor (other than a child under section 8443 of title 5, United States Code) shall be increased by the total percent by which the deceased annuitant's annuity was increased under paragraph (7).

(12)(A) If the electing individual is subject to section 8344 of title 5, United States Code, at the time of making the election, payment of annuity benefits otherwise payable to such individual under subchapter III of chapter 83 of such title (and any related deductions from pay) shall terminate as of the effective date of the election.

Ante, pp. 589, 591–593.

(B) Accrued benefits under paragraph (4) for an individual described in subparagraph (A) shall be computed—

(i) in accordance with applicable provisions of subchapter III of chapter 83 of title 5, United States Code (but without regard to subsection (j) or (k), or the second sentence of subsection (e), of section 8339 of such title) using only any civilian service under paragraph (1)(D), and any military service under paragraph (2)(B), which would be creditable for purposes of computing an annuity under such subchapter; and

(ii) as if the individual's reemployment terminated on the effective date of the election.

(b) CHAPTER 83 GENERALLY INAPPLICABLE.—(1) Except as provided in subsection (a) or paragraph (2), subchapter III of chapter 83 of title 5, United States Code, shall not apply with respect to any individual who becomes subject to chapter 84 of title 5, United States Code, pursuant to an election under section 301.

Ante, p. 517.

(2)(A) Nothing in paragraph (1), or in subchapter III of chapter 83 of title 5, United States Code, shall preclude the making of a deposit under such subchapter with respect to any civilian service under subsection (a)(1)(D) or military service under subsection (a)(2)(B) either by the electing individual or, for purposes of survivor annuities, by a survivor of such individual.

(B) Nothing in paragraph (1) shall preclude the payment of any lump-sum credit in accordance with section 8342 of title 5, United States Code.

(c) REFUNDS RELATING TO CERTAIN CIVILIAN SERVICE.—(1) Any individual who makes an election under section 301 to become subject to chapter 84 and who, with respect to any period before the effective date of the election, has made a contribution to the Civil Service Retirement System (whether by deductions from pay or by a deposit or redeposit) and has not taken a refund of the contribution (as so made), shall be entitled to a refund equal to—

(A) for a period of service under clause (i) of subsection (a)(1)(B), the amount by which—

(i) the amount contributed with respect to such period, exceeds

100 STAT. 605

(ii) the amount required under such clause (i) with respect to such period;

(B) for a period of service under clause (ii) of subsection (a)(1)(B), the amount by which—

(i) the amount so contributed with respect to such period, exceeds

(ii) the amount required under such clause (ii) with respect to such period; and

(C) for a period of service under subparagraph (C) of subsection (a)(1), the amount by which—

(i) the amount so contributed with respect to such period, exceeds

(ii) the amount required under such subparagraph with respect to such period.

(2) A refund under this subsection—

(A) shall be payable with interest, computed at the rate applicable for the period involved under section 8331(8)(C) of title 5, United States Code, but only if such interest would be payable pursuant to an application for a lump-sum credit appropriately filed under subchapter III of chapter 83 of such title; and

Ante, pp. 589, 591–593.

(B) shall be payable upon written application therefor filed with the Office of Personnel Management.

5 USC 8331 note.

SEC. 303. PROVISIONS RELATING TO AN ELECTION TO BECOME SUBJECT TO CHAPTER 83 SUBJECT TO CERTAIN OFFSETS RELATING TO SOCIAL SECURITY.

(a) REFUND.—Any individual who makes an election under section 301(b)(1)(A) shall, upon written application to the Office of Personnel Management, be entitled to a refund equal to—

(1) for the period beginning on January 1, 1984, and ending on December 31, 1986, the amount by which—

(A) the total amount deducted from such individual's basic pay under section 8334(a)(1) of title 5, United States Code, for such period, exceeds

(B) 1.3 percent of such individual's total basic pay for such period; and

(2) for the period beginning on January 1, 1987, and ending on the day before the effective date of the election, the amount by which—

(A) the total amount deducted from such individual's basic pay under such section 8334(a)(1) for such period, exceeds

(B) the total amount which would have been deducted if such individual's basic pay had instead been subject to section 8334(k) of such title during such period.

(b) DEPOSIT REQUIREMENTS.—(1) In the case of an individual who becomes subject to subchapter III of chapter 83 of title 5, United States Code, pursuant to notification as described in the second sentence of section 301(b)(3)(B), service performed by such individual before the effective date of the notification shall not be considered creditable under such subchapter unless—

(A) for any service during the period beginning on January 1, 1987, and ending on the day before such effective date, there is deposited to the credit of the Fund a percentage of basic pay for such period equal to the percentage which would have applied under section 8334(k) of such title if such individual's pay had been subject to such section during such period;

100 STAT. 606

(B) for any period of service beginning on January 1, 1984, and ending on December 31, 1986, there is deposited to the credit of the Fund an amount equal to 1.3 percent of basic pay for such period; and

(C) for any period of service before January 1, 1984, there is deposited to the credit of the Fund any amount required with respect to such period under such subchapter.

(2) A deposit under this subsection may be made by the individual or, for purposes of survivor annuities, a survivor of such individual.

SEC. 304. AMENDMENTS RELATING TO SOCIAL SECURITY.

(a) AMENDMENTS TO SOCIAL SECURITY ACT.—Section 210(a)(5) of the Social Security Act is amended— 42 USC 410.

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the semicolon at the end of subparagraph (G) and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following:

"(H) service performed by an individual on or after the effective date of an election by such individual under section 301(a) of the Federal Employees' Retirement System Act of 1986, or under regulations issued under section 860 of the Foreign Service Act of 1980 or section 307 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, to become subject to chapter 84 of title 5, United States Code;". *Post*, p. 619. *Post*, p. 628. *Ante*, p. 517.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954.—Section 3121(b)(5) of the Internal Revenue Code of 1954 is amended— 26 USC 3121.

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the semicolon at the end of subparagraph (G) and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following:

"(H) service performed by an individual on or after the effective date of an election by such individual under section 301(a) of the Federal Employees' Retirement System Act of 1986, or under regulations issued under section 860 of the Foreign Service Act of 1980 or section 307 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, to become subject to chapter 84 of title 5, United States Code;".

SEC. 305. EXTENSION OF FEDERAL EMPLOYEES' RETIREMENT CONTRIBUTION TEMPORARY ADJUSTMENT ACT OF 1983; REFUND OF EXCESS CONTRIBUTIONS.

(a) EXTENSION.—The Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1106; 5 U.S.C. 8331 note) is amended—

(1) in sections 202(6), 203(a)(4)(A), 203(a)(4)(B), 204(a), and 206(b)(2)(A)(i) by striking "May 1, 1986" each place it appears and inserting "January 1, 1987", and in sections 202(1) and 206(c)(3) by striking "January 1, 1986" and inserting "January 1, 1987"; and

(2) in subsections (b) and (c) of section 205, by striking out "and 1986" and inserting in lieu thereof "1986, and 1987".

(b) REFUNDS.—(1) The amendments made by subsection (a) shall be effective as of May 1, 1986. Effective date. 5 USC 8331 note.

(2) Any refund payable to an individual as a result of paragraph (1) shall be paid out of funds of the appropriate retirement system.

(3) For purposes of this subsection, the term "retirement system" means a covered retirement system as defined by section 203(a)(2) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1107; 5 U.S.C. 8331 note).

SEC. 306. APPLICABILITY TO THE UNITED STATES POSTAL SERVICE.

Section 1005(d) of title 39, United States Code, is amended to read as follows:

"(d) Officers and employees of the Postal Service (other than the Governors) shall be covered by chapters 83 and 84 of title 5. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in or determined under such chapter 83 and subchapter II of such chapter 84, respectively. The Postal Service shall pay into the Federal Retirement Thrift Savings Fund the amounts specified in or determined under subchapters III and VII of such chapter 84.". 5 USC 8301 *et seq.*; *ante*, p. 517.

5 USC 8401 note.

SEC. 307. USE OF "NORMAL-COST PERCENTAGE".

Notwithstanding any other provision of law, the normal-cost percentage (as defined by section 8401(23) of title 5, United States Code, as added by this Act) of the Federal Employees' Retirement System shall be used to value the cost of the System for all purposes in which the cost of the System is required to be determined by the Federal Government, including any comparisons between the cost of performing commercial activities under contract with commercial sources and the cost of performing those activities using Government facilities and personnel.

SEC. 308. RETIREMENT STUDY.

(a) STUDY AND PLAN.—The Secretary of Defense and Secretary of Transportation shall conduct a study of the retirement systems provided for employees of nonappropriated fund instrumentalities of the United States under their respective jurisdictions and shall develop a feasible plan or plans to provide portability of vested retirement benefits among such retirement systems and other Federal Government retirement systems.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense and Secretary of Transportation shall transmit a report to the Congress describing the plan or plans developed pursuant to subsection (a) and the anticipated schedule for the implementation of such plan or plans.

SEC. 309. REPEAL OF AUTOMATIC TRANSFER PROVISION.

Section 207 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1111; 5 U.S.C. 8331 note) is repealed.

SEC. 310. DISCLOSURE OF RETURN INFORMATION.

26 USC 6103.

(a) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end thereof the following new paragraph:

"(12) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

"(A) IN GENERAL.—The Commissioner of Social Security shall, on written request, disclose to the Office of Personnel Management return information from returns with respect to net earnings from self-employment (as defined in section 1402), wages (as defined in section 3121(a) or 3401(a)), and payments of retirement income, which have been disclosed to the Social Security Administration as provided by paragraph (1) or (5).

26 USC 1402, 3121, 3401.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose return information under subparagraph (A) only for purposes of, and to the extent necessary in, the administration of chapters 83 and 84 of title 5, United States Code."

5 USC 8301 *et seq.; ante,* p. 517.

26 USC 6103.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6103(p)(3) of such Code is amended by striking out "(10), or (11)" and inserting in lieu thereof "(10), (11), or (12)".

(2) Paragraph (4) of section 6103(p) of such Code is amended—

(A) by striking out "(10), or (11)" in the material preceding subparagraph (A) and inserting in lieu thereof "(10), (11), or (12)", and

(B) by striking out "(10), or (11)" in subparagraph (F)(ii) and inserting in lieu thereof "(10), (11), or (12)".

26 USC 6103 note.

(c) REIMBURSEMENT.—The Office of Personnel Management shall reimburse the costs (as determined by the Secretary of Health and Human Services) of supplying—

(1) information under section 6103(l)(12) of the Internal Revenue Code of 1954; and

(2) such other information agreed upon by the Director of the Office of Personnel Management and the Secretary of Health and Human Services, which is required in the administration of chapters 83 and 84 of title 5, United States Code.

Section 1106 (b) and (c) of the Social Security Act shall apply to any reimbursement under this subsection.

42 USC 1306.

SEC. 311. INITIAL APPOINTMENTS TO THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.

5 USC 8472 note.

(a) INITIAL APPOINTMENT OF MEMBERS.—Section 8472(c) of title 5, United States Code (as added by section 101(a) of this Act) shall not apply to the members of the Federal Retirement Thrift Investment Board first appointed to such Board.

(b) TERMS OF SERVICE.—Notwithstanding subsection (e)(1) of section 8472 of title 5, United States Code (as added by section 101(a) of this Act), the term of service of each member of the Federal Retirement Thrift Investment Board appointed pursuant to subsection (a) shall be 1 year, except that such member shall continue to serve until his successor is appointed under subsection (b) of such section 8472 and confirmed under subsection (c) of such section.

SEC. 312. PLAN FOR DELAYED CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.

5 USC 8432 note.

Not later than January 1, 1988, the Executive Director of the Federal Retirement Thrift Investment Board shall transmit to Congress a plan to afford employees of the Federal Government and Members of Congress who make less than the maximum amount of authorized contributions to the Thrift Savings Fund in any period an opportunity to contribute to such Fund, in a later period, the excess of such amount over the amount contributed during such period. The plan shall include such recommendations for legislation as the Executive Director considers appropriate.

100 STAT. 609

TITLE IV—FOREIGN SERVICE RETIREMENT

Foreign Service Pension System Act of 1986.
22 USC 3901 note.

SEC. 401. SHORT TITLE; REFERENCES TO FOREIGN SERVICE ACT OF 1980.

(a) SHORT TITLE.—This title may be cited as the "Foreign Service Pension System Act of 1986".

(b) AMENDMENTS TO FOREIGN SERVICE ACT OF 1980.—Whenever in this title a section or other provision is amended, such amendment shall be considered to be made to that section or other provision of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

SEC. 402. REDESIGNATION OF CERTAIN PROVISIONS OF THE FOREIGN SERVICE ACT OF 1980.

(a) CONFORMING CHAPTER AMENDMENTS.—Chapter 8 of title I (22 U.S.C. 4041 et seq.) is amended—

(1) by striking out the caption of such chapter and inserting in lieu thereof the following:

"CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

"SUBCHAPTER I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM"

(2) by striking out "this chapter" each place it appears and inserting in lieu thereof "this subchapter"; and

(3) by inserting "under this subchapter" after "payable from the Fund" each place it appears.

(b) CONFORMING AMENDMENTS RELATING TO RETIREMENT FOR DISABILITY OR INCAPACITY.—(1) Section 808(d) (22 U.S.C. 4048(d)) is amended—

(A) by striking out "such subchapter" each place it appears in the second and third sentences and inserting in lieu thereof "subchapter I of such chapter 8"; and

(B) by striking out "Act" each place it appears and inserting in lieu thereof "subchapter".

(2) Section 808(e) (22 U.S.C. 4048(e)) is amended by striking out "Act" each place it appears and inserting in lieu thereof "subchapter".

(c) CONFORMING AMENDMENTS RELATING TO DEATH IN SERVICE.—Section 809(a) (22 U.S.C. 4049(a)) is amended by striking out "Act" and inserting in lieu thereof "subchapter".

SEC. 403. DEFINITION OF COURT.

District of Columbia, Commonwealth of Puerto Rico, Guam, Northern Mariana Islands, Virgin Islands.

Section 804(3) (22 U.S.C. 4044(3)) is amended by striking out "or of the District of Columbia" and inserting in lieu thereof the following: ", the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court as defined by section 201(3) of the Act entitled 'An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes', approved April 11, 1968 (25 U.S.C. 1301(3); 82 Stat. 77)".

100 STAT. 610

SEC. 404. CREDITABLE SERVICE FOR PURPOSES OF SUBCHAPTERS I AND II.

Ante, p. 609; *post*, p. 615.

(a) PRO RATA SHARE.—Section 804(10) (22 U.S.C. 4044(10)) is amended by inserting "(creditable under subchapter I or II)" after "creditable service" each place it appears.

(b) FORMER SPOUSES.—(1) Section 814(a)(1) (22 U.S.C. 4054(a)(1)) is amended by adding at the end thereof the following: "For the purposes of this paragraph, the term 'creditable service' means service which is creditable under subchapter I or II.".

(2) Section 814(b)(1) (22 U.S.C. 4054(b)(1)) is amended by adding at the end thereof the following: "For the purposes of this paragraph, the term 'creditable service' means service which is creditable under subchapter I or II.".

(c) LUMP-SUM PAYMENTS.—Section 815(i) (22 U.S.C. 4055(i)) is amended by adding at the end thereof the following: "For the purposes of this subsection, the term 'creditable service' means service which is creditable under subchapter I or II.".

SEC. 405. CONTRIBUTIONS TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.

(a) CONTRIBUTIONS AFTER DECEMBER 31, 1986.—Section 805 (22 U.S.C. 4045) is amended—

(1) by inserting "Except as provided in subsection (h)," before "7 percent" in the first sentence of subsection (a); and

(2) by adding at the end thereof the following new subsection (h):

Post, p. 616.
42 USC 401.
26 USC 3101 *et seq.*

"(h) Effective with respect to pay periods beginning after December 31, 1986, in administering this section with respect to a participant described in section 853(c) whose service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, contributions to the Fund and interest thereon shall be computed as if section 8334(k) of title 5, United States Code, were applicable.".

(b) CREDITABILITY OF INTERIM SERVICE.—Subsection (d) of section 805 (22 U.S.C. 4045(d)) is amended by adding at the end thereof the following:

5 USC 8331 note.

"(4) Notwithstanding the preceding provisions of this subsection and any provision of section 206(b)(3) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983, the percentage of basic pay required under this subsection in the case of a participant described in section 853(c) shall, with respect to any covered service (as defined by section 203(a)(3) of such Act) performed by such individual after December 31, 1983, and before January 1, 1987, be equal to 1.3 percent.". 5 USC 8331 note.

SEC. 406. OFFSET OF ANNUITY BY THE AMOUNT OF SOCIAL SECURITY BENEFITS.

Section 806 (22 U.S.C. 4046) is amended by adding at the end thereof the following new subsection:

"(m) The annuity or survivor annuity payable to any individual subject to section 805(h) beginning with the first month for which such individual both— *Supra.*

"(1) attains the minimum age for old-age benefits under title II of the Social Security Act, and 42 USC 401.

"(2) first becomes entitled, or would upon proper application become entitled, for disability or survivor benefits under title II of the Social Security Act based on the service of any individual under this subchapter, 42 USC 401.

shall be computed as if section 8349 of title 5, United States Code, were applicable.". *Ante*, p. 589.

SEC. 407. 18-MONTH PERIOD TO ELECT SURVIVOR ANNUITY.

Section 806 (22 U.S.C. 4046) is further amended by adding at the end thereof the following:

"(n)(1)(A) A participant—

"(i) who, at the time of retirement, is married; and

"(ii) who elects at such time (in accordance with subsection (b)) to waive a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for the spouse of such participant.

"(B) A participant—

"(i) who, at the time of retirement, is married, and

"(ii) who at such time designates (in accordance with subsection (b)) that a limited portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

"(2)(A) An election under subparagraph (A) or (B) of paragraph (1) of this subsection shall not be considered effective unless the amount specified in subparagraph (B) of this paragraph is deposited into the Fund before the expiration of the applicable 18-month period under paragraph (1).

"(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

"(i) the additional cost to the System which is associated with providing a survivor annuity under subsection (b) of this section and results from such election taking into account (I) the difference (for the period between the date on which the annuity of the former participant commences and the date of the election) between the amount paid to such former participant under this subchapter and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing the later election; and

"(ii) interest on the additional cost determined under clause (i)(I) of this subparagraph computed using the interest rate specified or determined under section 805(d)(3) for the calendar year in which the amount to be deposited is determined.

"(3) An election by a participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

"(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant whose annuity is so reduced.

"(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the participant involved elected such annuity at the time of retiring.".

SEC. 408. ALTERNATE FORMS OF ANNUITIES.

Section 807 (22 U.S.C. 4047) is amended by adding at the end thereof the following:

Regulations.

22 USC 4048.

"(e)(1) The Secretary of State shall prescribe regulations under which a participant may, at the time of retiring under this subchapter (other than under section 808), elect annuity benefits under this section instead of any other benefits under this subchapter (including survivor benefits) based on the service of the participant.

"(2) Subject to paragraph (3), the Secretary of State shall by regulation provide for such alternative forms of annuities as the Secretary considers appropriate, except that among the alternatives offered shall be—

"(A) an alternative which provides for—

"(i) payment of the lump-sum credit (excluding interest) to the participant; and

"(ii) payment of an annuity to the participant for life; and

"(B) in the case of a participant who is married at the time of retirement, an alternative which provides for—

"(i) payment of the lump-sum credit (excluding interest) to the participant; and

"(ii) payment of an annuity to the participant for life, with a survivor annuity payable for the life of a surviving spouse.

"(3) Each alternative provided for under paragraph (2) shall, to the extent practicable, be designed such that the total value of the benefits provided under such alternative (including any lump-sum credit) is actuarially equivalent to the value of the annuity which would otherwise be provided the participant under this subchapter, as computed under section 806(a).

22 USC 4046.

"(4) A participant who, at the time of retiring under this subchapter—

"(A) is married, shall be ineligible to make an election under this section unless a waiver is made under section 806(b)(1)(B); or

"(B) has a former spouse, shall be ineligible to make an election under this section if the former spouse is entitled to benefits under this subchapter (based on the service of the participant) unless a waiver has been made under section 806(b)(1)(C).

"(5) A participant who is married at the time of retiring under this subchapter and who makes an election under this section may, during the 18-month period beginning on the date of retirement, make the election provided for under section 806(n), subject to the deposit requirement thereunder.

"(6) Notwithstanding any other provision of law, any lump-sum credit provided pursuant to an election under this subsection shall not preclude an individual from receiving any other benefits under this subsection.".

SEC. 409. TREATMENT OF CERTAIN RECALL SERVICE.

Section 823 (22 U.S.C. 4063) is amended by adding at the end thereof the following:

Post, p. 615.

"(c) If an annuitant becomes subject to subchapter II of this chapter by reason of recall service—

"(1) subsections (a) and (b) shall not apply to such annuitant; and

"(2) section 824 shall apply to the recall service as if such service were reemployment.". 100 STAT. 613

SEC. 410. REEMPLOYMENT.

Section 824 (22 U.S.C. 4064) is amended to read as follows:

"SEC. 824. REEMPLOYMENT.—(a)(1)(A) Except in the case of an annuitant who makes an election under subsection (b), if any former participant, who has retired and is receiving an annuity under this subchapter or subchapter II of this chapter, becomes employed in an appointive or elective position in the Government, payment of any annuity under either subchapter to the annuitant shall terminate effective on the date of the employment and the reemployment service shall be covered service under the rules of the system under which the appointment is made.

Post, p. 615.

"(B) If the annuity of an individual is terminated under subparagraph (A) and that individual becomes covered under the same retirement system from which that annuity is terminated, that individual shall be entitled to a redetermination of rights under that system upon termination of the employment.

"(C) If the annuity is terminated and the individual becomes covered under another contributory retirement system for Government employees pursuant to paragraph (A), the individual shall be entitled to benefits under the rules of that system. In addition, the individual shall be entitled to a resumption of any annuity terminated by reason of the employment.

"(b)(1) A participant who is entitled to an annuity under this subchapter or subchapter II of this chapter and becomes employed in an appointive or elective position in the Government on a part-time, intermittent, or temporary basis may elect to continue to receive either or both annuities as provided in this subsection.

"(2) The total annuity payable under this chapter to an annuitant making an election under paragraph (1) shall be reduced during the part-time, intermittent, or temporary employment referred to in paragraph (1) as necessary to meet the requirements of paragraph (3).

"(3) The sum of—

"(A) the total annuity payable under this chapter to an annuitant making an election under paragraph (1), and

"(B) the annual rate of pay payable to the annuitant during the part-time, intermittent, or temporary employment referred to in paragraph (1),

may not exceed, in any calendar year, the highest annual rate of pay which is payable during such year for full-time employment in the position in which the annuitant is employed.

"(4) Upon termination of the part-time, intermittent, or temporary employment referred to in paragraph (1), payment of the full annuity of an annuitant who has made an election under paragraph (1) of this subsection shall resume.

"(c) The amount of annuity which has been terminated or reduced under this section by reason of the reemployment of the annuitant and is resumed under this section shall be the amount of the annuity which would have been payable if the annuitant had not accepted the reemployment. The amount of an annuity resulting from a redetermination of rights pursuant to subsection (a) shall not be less than the amount of an annuity resumed under the previous sentence.

100 STAT. 614

"(d) The annuity rights of any participant who is reemployed in the Government shall be determined under this section instead of section 8468 of title 5, United States Code.

"(e) When any such retired participant is reemployed, the employer shall send a notice of such reemployment to the Secretary of State, together with all pertinent information relating to such employment, and shall pay directly to such participant the salary of the position in which he or she is serving.

"(f) In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed participant or from any other moneys, including annuity payments, payable under this chapter.".

SEC. 411. COMPARABILITY BETWEEN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM AND THE FOREIGN SERVICE PENSION SYSTEM.

Section 827 (22 U.S.C. 4067) is amended by adding at the end thereof the following:

President of U.S.

"(c) The President shall maintain, under the same conditions and in the same manner as provided in subsections (a) and (b) existing conformity between the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, and the Foreign Service Pension System provided in subchapter II of this chapter.".

Ante, p. 517.

SEC. 412. MODERATION OF REMARRIAGE PENALTY.

Chapter 8 of title I (22 U.S.C. 4041 et seq.) is further amended by adding after section 827 the following:

22 USC 4068.

"SEC. 828. REMARRIAGE.—Notwithstanding any other provision of this subchapter, any benefit payable under this subchapter to a surviving spouse, former spouse, or surviving former spouse that would otherwise terminate or be lost if the individual remarried before 60 years of age, shall not terminate or be lost if the remarriage occurred on or after November 8, 1984, and the individual was 55 years of age or over on the date of the remarriage.".

SEC. 413. LUMP-SUM PAYMENTS.

22 USC 4055.

Post, p. 615.

Subsection (a) of section 815 is amended by adding at the end thereof the following: "A participant who becomes subject to subchapter II shall be entitled to payment of the lump-sum credit if, and to the extent that, such lump-sum credit relates to service of a type described in clauses (i) through (iii) of section 302(a)(1)(C) of the Federal Employees' Retirement System Act of 1986.".

SEC. 414. EXCLUSION OF PARTICIPANTS IN FOREIGN SERVICE PENSION SYSTEM FROM FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.

22 USC 4043.

Section 803 is amended—

(1) in subsection (a), by striking out "The" and inserting in lieu thereof "Except as provided in subsection (d), the"; and

(2) by adding at the end thereof the following:

"(d) An individual subject to the Foreign Service Pension System (described in subchapter II) is not a participant in this System.".

SEC. 415. FOREIGN SERVICE PENSION SYSTEM.

Chapter 8 of title I (22 U.S.C. 4041 et seq.) is further amended by adding at the end thereof the following:

100 STAT. 615

"SUBCHAPTER II—FOREIGN SERVICE PENSION SYSTEM

22 USC 4071.

"SEC. 851. ESTABLISHMENT.—(a) There is hereby established a Foreign Service Pension System.

"(b) Except as otherwise specifically provided in this subchapter or any other provision of law, the provisions of chapter 84 of title 5, United States Code, shall apply to all participants in the Foreign Service Pension System and such participants shall be treated in all respects similar to persons whose participation in the Federal Employees' Retirement System provided in that chapter is required.

Ante, p. 517.

22 USC 4071a.

"SEC. 852. DEFINITIONS.—As used in this subchapter, unless otherwise specified—

"(1) the term 'court order' has the same meaning given in section 804(4);

22 USC 4044.

"(2) the term 'Fund' means the Foreign Service Retirement and Disability Fund maintained by the Secretary of the Treasury pursuant to section 802;

"(3) the term 'normal cost' means the entry-age normal cost of the provisions of the System which relate to the Fund, computed by the Secretary of State in accordance with generally accepted actuarial practice and standards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;

"(4) the term 'participant' means a person who participates in the Foreign Service Pension System;

"(5) the term 'pro rata share' in the case of any former spouse of any participant or former participant means the percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the participant during the service of the participant which is creditable under this chapter is of (B) the total number of years of such service, disregarding extra credit under section 817;

"(6) the term 'supplemental liability' means the estimated excess of—

"(A) the actuarial present value of all future benefits payable from the Fund under this subchapter based on the service of participants or former participants, over

"(B) the sum of—

"(i) the actuarial present value of (I) deductions to be withheld from the future basic pay of participants pursuant to section 856 and (II) contributions for past civilian and military service;

"(ii) the actuarial present value of future contributions to be made pursuant to section 857;

"(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable—

"(I) to the System, or

"(II) to the contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (5 U.S.C. 8331 note); and

"(iv) any other appropriate amount, as determined by the Secretary of State in accordance with generally accepted actuarial practices and principles; and

"(7) the term 'System' means the Foreign Service Pension System.

100 STAT. 616

22 USC 4071b.

"Sec. 853. Participants.—(a) Except for persons excluded by subsection (b), (c), or (d), all members of the Foreign Service, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, who would, but for this section, be participants in the Foreign Service Retirement and Disability System pursuant to section 803 shall instead be participants in the Foreign Service Pension System.

42 USC 401.
26 USC 3101 *et seq.*
Ante, p. 614.

"(b) Members of the Service who were participants in the Foreign Service Retirement and Disability System on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not made participants in the System by this section, without regard to whether they are subject to title II of the Social Security Act.

"(c) Individuals who become members of the Service after having completed at least 5 years of civilian service creditable under subchapter I, subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), or title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (determined without regard to any deposit or redeposit requirement under any such subchapter or title, any requirement that the individual become subject to such subchapter or title after performing the service involved, or any requirement that the individual give notice in writing to the official by whom such individual is paid of such individual's desire to become subject to such subchapter or title) are not participants in the System, except to the extent

Ante, pp. 589, 591–593.
5 USC 403 note.

provided for under title III of the Federal Employees' Retirement System Act of 1986 pursuant to an election under such title to become subject to this subchapter (under regulations issued by the Secretary of State pursuant to section 860).

"(d) The Secretary may exclude from the operation of this subchapter any member of the Foreign Service, or group of members, whose employment is temporary or intermittent, except a member whose employment is part-time career appointment or career candidate appointment under section 306.

22 USC 3946.
22 USC 4071c.

"SEC. 854. CREDITABLE SERVICE.—(a) For purposes of this subchapter, creditable service of a participant includes—

"(1) service as a participant after December 31, 1986;

"(2) service with respect to which deductions and withholdings under section 204(a)(2) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 have been made; and

5 USC 8331 note.

"(3) except as provided in subsection (b), any civilian service performed before January 1, 1989 (other than service under paragraph (1) or (2)), which, but for the amendment made by section 414 of the Federal Employees' Retirement System Act of 1986, would be creditable under subchapter I (determined without regard to any deposit or redeposit requirement under such subchapter, subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), or title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, any requirement that the individual become subject to such subchapter or title after performing the service involved, or any requirement that the individual give notice in writing to the official by whom such individual is paid of such individual's desire to become subject to such subchapter or title).

5 USC 403 note.

100 STAT. 617

"(b)(1) A participant who has received a refund of retirement deductions under subchapter I with respect to any service described in subsection (a)(3) may not be allowed credit for such service under this subchapter unless such participant deposits into the Fund an amount equal to 1.3 percent of basic pay for such service, with interest.

"(2) A participant may not be allowed credit under this subchapter for any service described in subsection (a)(3) for which retirement deductions under subchapter I have not been made, unless such participant deposits into the Fund an amount equal to 1.3 percent of basic pay for such service, with interest.

"(3) Interest under paragraph (1) or (2) shall be computed in accordance with section 805(d) and regulations issued by the Secretary of State.

Voluntarism.

"(c) Credit shall be given under this System to a participant for a period of prior satisfactory service as—

"(1) a volunteer or volunteer leader under the Peace Corps Act (22 U.S.C. 2501 et seq.),

"(2) a volunteer under part A of title VIII of the Economic Opportunity Act of 1964, or

42 USC 2991 and note.

"(3) a full-time volunteer for a period of service of at least one year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.),

if the participant makes a payment to the Fund equal to 3 percent of pay received for the volunteer service (as determined in accordance with regulations of the Secretary of State consistent with regulations for making corresponding determinations under chapter 83, title 5, United States Code) together with interest determined under regulations issued by the Secretary of State.

"(d) Credit shall be given under this System to a participant for a period of prior service under the Federal Employees' Retirement System (described in chapter 84 of title 5, United States Code) or under title III of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees if the participant waives credit under

Post, p. 624.

the other retirement system and makes a payment to the Fund equal to the amount which would have been deducted from pay under section 856(a) had the individual been a participant during the prior creditable service under the other retirement system together with interest on such amount computed in accordance with regulations issued by the Secretary of State.

"SEC. 855. ENTITLEMENT TO ANNUITY.—(a)(1) Any participant may be retired under the conditions specified in section 811 and shall be retired under the conditions specified in sections 812 and 813 and receive benefits under this subchapter.

22 USC 4071d.
22 USC 4051.
22 USC 4052, 4053.

"(2) For the purposes of this subsection—

"(A) the term 'participant', as used in the sections referred to in paragraph (1), means a participant in the Foreign Service Pension System; and

"(B) the term 'System', as used in those sections, means the Foreign Service Pension System.

"(b)(1) Any participant who retires voluntarily or mandatorily under section 607, 608, 811, 812, or 813 under conditions authorizing an immediate annuity for participants in the Foreign Service Retirement and Disability System and who has completed at least 5 years of service subject to this chapter shall be entitled to an immediate annuity computed under paragraph (2).

22 USC 4007, 4008.

"(2) An annuity under paragraph (1) shall be computed—

"(A) for all service earned while a participant in this System, at the rate stated in section 8415(d) of title 5, United States Code; and

Ante, p. 527.

"(B) for all service earned while a participant in another retirement system creditable under section 854(d), at the rate which would have been applicable to the individual had that individual remained a participant in the other system; and

"(C) for all volunteer service creditable under section 854(c), at the rate stated in section 8415(a) of title 5, United States Code.

"(c) A participant who is entitled to an immediate annuity under subsection (b) shall be entitled to receive an annuity supplement while the annuitant is under 62 years of age. The annuity supplement shall be based on the total creditable service of the annuitant and shall be computed in accordance with sections 8421(b) and 8421a of title 5, United States Code, as if the participant were a law enforcement officer retired under section 8412(d) of such title.

"(d) Any participant who is separated for cause under section 610 shall not be entitled to an annuity under this System when the Secretary determines that the separation was based in whole or in part on disloyalty to the United States.

Treason.
22 USC 4010.

"SEC. 856. DEDUCTIONS AND WITHHOLDINGS FROM PAY.—(a) The employing agency shall deduct and withhold from basic pay of each participant a percentage of basic pay equal to 7½ percent minus the percentage then in effect under section 3101(a) of the Internal Revenue Code of 1954 (relating to the rate of tax for old age, survivors and disability insurance).

22 USC 4071e.
26 USC 3101.

"(b) Each participant is deemed to consent and agree to the deductions under subsection (a). Notwithstanding any law or regulation affecting the pay of a participant, payment less such deductions is a full and complete discharge and acquittance of all claims and demands for regular services during the period covered by the payment, except the right to any benefits under this subchapter based on the service of the participant.

"(c) Amounts deducted and withheld under this section shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe.

"(d) Under such regulations as the Secretary of State may issue, amounts deducted under subsection (a) shall be entered on individual retirement records.

22 USC 4071f.

"SEC. 857. GOVERNMENT CONTRIBUTIONS.—(a) Each agency employing any participant shall contribute to the Fund the amount computed in a manner similar to that used under section 8423(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage for the Foreign Service Pension System by the Secretary of State.

"(b)(1) The Secretary of State shall compute the amount of the supplemental liability of the Fund as of the close of each fiscal year beginning after September 30, 1987. The amount of any such supplemental liability shall be amortized in 30 equal annual installments with interest computed at the rate used in the most recent valuation of the System.

"(2) At the end of each fiscal year, the Secretary of State shall notify the Secretary of the Treasury of the amount of the installment computed under this subsection for such year.

"(3) Before closing the accounts for a fiscal year, the Secretary of the Treasury shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the amount under paragraph (2) of this subsection for such year.

22 USC 4071g.

"SEC. 858. COST-OF-LIVING ADJUSTMENTS.—Cost-of-living adjustments for annuitants under this System shall be granted under procedures in section 8462 of title 5, United States Code, in the same manner as such adjustments are made for annuitants referred to in subsection (c)(3)(B)(ii) of such section.

22 USC 4071h.

"SEC. 859. GENERAL AND ADMINISTRATIVE PROVISIONS.—(a) The Secretary of State shall administer the Foreign Service Pension System except for matters relating to the Thrift Savings Plan provided in subchapters III and VII of chapter 84 of title 5, United States Code. The Secretary of State shall, with respect to the Foreign Service Pension System, perform the functions and exercise the authority vested in the Office of Personnel Management or the Director of such Office by such chapter 84 and may issue regulations for such purposes.

"(b) Determinations of the Secretary of State under the Foreign Service Pension System which, if made by the Office of Personnel Management under chapter 84 of title 5, United States Code, or the Director of such Office, would be appealable to the Merit Systems Protection Board shall, instead, be appealable to the Foreign Service Grievance Board, except that determinations of disability for participants shall be based upon the standards in section 808 (other than the exclusion for vicious habits, intemperance, or willful misconduct) and subject to review in the same manner as under that section.

"(c) At least every 5 years, the Secretary of the Treasury shall prepare periodic valuations of the Foreign Service Pension System and shall advise the Secretary of State of (1) the normal cost of the System, (2) the supplemental liability of the System, and (3) the amounts necessary to finance the costs of the System.

Regulations.
22 USC 4071i.

"SEC. 860. TRANSITION PROVISIONS.—The Secretary of State shall issue regulations providing for the transition from the Foreign Service Retirement and Disability System to the Foreign Service Pension System in a manner comparable to the transition of employees subject to subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), to the Federal Employees' Retirement System. For this and related purposes, references made to participation in subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), the Social Security Act, and the Internal Revenue Code of 1954 shall be deemed to refer to participation in the Foreign Service Pension System or the Foreign Service Retirement and Disability System, as appropriate.

Ante, pp. 589, 591–593.
42 USC 1305.
26 USC 1 *et seq.*

22 USC 4071j.

"SEC. 861. FORMER SPOUSES.—(a)(1)(A) Unless otherwise expressly provided by any spousal agreement or court order governing disposition of benefits under this subchapter, a former spouse of a participant or former participant is entitled, during the period described in subparagraph (B), to a share (determined under paragraph (2)) of all benefits otherwise payable to such participant under this subchapter if such former spouse was married to the participant for at least 10 years during service of the participant which is creditable under this chapter with at least 5 of such years occurring while the participant was a member of the Foreign Service.

"(B) The period referred to in subparagraph (A) is the period which begins on the first day of the month following the month in which the divorce or annulment becomes final and ends on the last day of the month before the former spouse dies or remarries before 55 years of age.

"(2) The share referred to in paragraph (1) equals—

"(A) 50 percent, if such former spouse was married to the participant throughout the actual years of service of the participant which are creditable under this chapter; or

"(B) a pro rata share of 50 percent, if such former spouse was not married to the participant throughout such creditable service.

"(3) A former spouse shall not be qualified for any benefit under this subsection if, before the commencement of any benefit, the former spouse remarries before becoming 55 years of age.

"(4)(A) For purposes of the Internal Revenue Code of 1954, payments to a former spouse under this section shall be treated as income to the former spouse and not to the participant. 26 USC 1 *et seq.*

"(B) Any reduction in payments to a participant or former participant as a result of payments to a former spouse under this subsection shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse, or other survivor under this subchapter, and

"(ii) any reduction in the annuity of the participant to provide survivor benefits under this subchapter.

"(5) Notwithstanding subsection (a)(1), in the case of any former spouse of a disability annuitant—

"(A) the annuity of the former spouse shall commence on the date the participant would qualify, on the basis of his or her creditable service, for an annuity under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(6)(A) Except as provided in subparagraph (B), any former spouse who becomes entitled to receive any benefit under this subchapter which would otherwise be payable to a participant or former participant shall be entitled to make any election regarding method of payment to such former spouse that such participant would have otherwise been entitled to elect, and the participant may elect an alternate method for the remaining share of such benefits. Such elections shall not increase the actuarial present value of benefits expected to be paid under this subchapter.

"(B) A former spouse may not elect a method of payment under subchapter II, chapter 84 of title 5, United States Code, providing for payment of a survivor annuity to any survivor of the former spouse. *Ante*, p. 522.

"(7) The maximum amount payable to any former spouse pursuant to this subsection shall be the difference, if any, between 50 percent of the total benefits authorized to be paid to a former participant by this subchapter, disregarding any apportionment of these benefits to others, and the aggregate amount payable to all others at any one time.

"(b)(1) Unless otherwise expressly provided for by any spousal agreement or court order governing survivorship benefits under this subchapter to a former spouse married to a participant or former participant for the periods specified in subsection (a)(1)(A), such

100 STAT. 621 former spouse is entitled to a share, determined under subsection (b)(2), of all survivor benefits that would otherwise be payable under this subchapter to an eligible surviving spouse of the participant.

"(2) The share referred to in subsection (b)(1) equals—

"(A) 100 percent if such former spouse was married to the participant throughout the entire period of service of the participant which is creditable under this chapter; or

"(B) a pro rata share of 100 percent if such former spouse was not married to the participant throughout such creditable service.

"(c) A participant or former participant may not make any election or modification of election under section 8417, 8418, or 8433 of title 5, United States Code, or other section relating to the participant's account in the Thrift Savings Plan or annuity under the basic plan that would diminish the entitlement of a former spouse to any benefit granted to the former spouse by this section or in a current spousal agreement.

"(d) If a member becomes a participant under this subchapter after qualifying for benefits under subchapter I and, at the time of transfer, has a former spouse entitled to benefits under subchapter I which are determined under section 814 or 815 (as determined by the Secretary of State) and are similar in amount to a pro rata share division under section 814 or 815 and the service of the member as a participant under this subchapter is not recognized in determining that pro rata share, then subsections (a) and (b) of this section shall not apply to such former spouse. Otherwise, subsections (a) and (b) of this section shall apply. 22 USC 4054, 4055.

"(e) If a participant dies after completing at least 18 months of service or a former participant dies entitled to a deferred annuity, but before becoming eligible to receive the annuity, and such participant or former participant has left with the Secretary of State a spousal agreement promising a share of a survivor annuity under subchapter IV, chapter 84, title 5, United States Code, to a former spouse, such survivor annuity shall be paid under the terms of this subchapter as if the survivor annuity had been ordered by a court.

22 USC 4071k. "Sec. 862. Spousal Agreements.—A spousal agreement is any written agreement (properly authenticated as determined by the Secretary of State) between a participant or former participant and his or her spouse or former spouse on file with the Secretary of State. A spousal agreement shall be consistent with the terms of this Act and applicable regulations and, if executed at the time a participant or former participant is currently married, shall be approved by such current spouse. It may be used to fix the level of benefits payable under this subchapter to a spouse or former spouse.".

SEC. 416. TABLE OF CONTENTS.

The table of contents in section 2 of such Act is amended—

(1) by striking out the item relating to chapter 8 and inserting in lieu thereof the following:

"Chapter 8—Foreign Service Retirement and Disability

"SUBCHAPTER I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM";

and

(2) by inserting after the item relating to section 827 the following:

100 STAT. 622

"Sec. 828. Remarriage.

"SUBCHAPTER II—FOREIGN SERVICE PENSION SYSTEM

"Sec. 851. Establishment.
"Sec. 852. Definitions.
"Sec. 853. Participants.
"Sec. 854. Creditable service.
"Sec. 855. Entitlement to annuity.
"Sec. 856. Reduction and withholdings from pay.

"Sec. 857. Government contributions.
"Sec. 858. Cost-of-living adjustments.
"Sec. 859. General and administrative provisions.
"Sec. 860. Transition provisions.
"Sec. 861. Former spouses.
"Sec. 862. Spousal agreements.".

SEC. 417. EFFECTIVE DATE.

22 USC 4046 note.

22 USC 4022.

(a) REGULATIONS.—Notwithstanding section 702 of this Act, the authority of the Secretary of State to issue regulations under subchapter II of title 8 of the Foreign Service Act of 1980 shall take effect on the date of enactment of this Act.

Ante, p. 615.

(b) 18-MONTH PERIOD TO ELECT SURVIVOR ANNUITY.—(1) Notwithstanding section 702 of this Act, the amendment made by section 407 shall take effect 3 months after the date of enactment of this Act.

22 USC 4022; *ante*, p. 611.

(2)(A) Subject to subparagraph (B), the amendment made by section 407 shall apply with respect to participants and former participants who retire before, on, or after such amendment first takes effect.

(B) For the purpose of applying the provisions of paragraph (1) of section 806(n) of the Foreign Service Act of 1980 (as added by section 407) to former participants who retire before the date on which the amendment first takes effect—

(i) the period referred to in subparagraph (A) or (B) of such paragraph (as the case may be) shall be considered to begin on the date on which such amendment first becomes effective; and

(ii) the amount referred to in paragraph (2) of such section 806(n) shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).

(3) For purposes of this subsection, the term "participant" has the meaning given that term in section 803 of the Foreign Service Act of 1980 (22 U.S.C. 4043).

TITLE V—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND RELATED MATTERS

SEC. 501. REFERENCES.

The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended—

50 USC 403 note.

(1) in section 201(c), by inserting "(except section 305(d) of this Act)" after "or any other provisions of law";

(2) by striking out "this Act" each place it appears in title II except in sections 201 and 264, and inserting in lieu thereof "this title"; and

(3) by inserting "under this title" after "payable from the fund" each place it appears in title II.

100 STAT. 623

SEC. 502. CONTRIBUTIONS TO THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

Section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

50 USC 403 note.

(1) by striking out "Seven" in the first sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (d), seven"; and

(2) by adding at the end thereof the following new subsection (d):

"(d)(1) In the case of a participant who was a participant subject to this title before January 1, 1984, and whose service—

"(A) is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, and

42 USC 401.
26 USC 3101 *et seq.*

"(B) is not creditable service for any purpose under title III of this Act or chapter 84 of title 5, United States Code,

Ante, p. 517.

there shall be deducted and withheld from the basic pay of the participant under this subsection during any pay period only the amount computed pursuant to paragraph (2).

"(2) The amount deducted and withheld from the basic pay of a participant during any pay period pursuant to paragraph (1) shall be the excess of—

"(A) the amount determined by multiplying the percent applicable to the participant under subsection (a) by the basic pay payable to the participant for such pay period, over

"(B) the amount of the taxes deducted and withheld from such basic pay under section 3101(a) of the Internal Revenue Code of 1954 (relating to old-age, survivors, and disability insurance) for such pay period.".

26 USC 3101.

SEC. 503. OFFSET OF ANNUITY BY THE AMOUNT OF SOCIAL SECURITY BENEFITS.

50 USC 403 note.

Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following new subsection:

"(p)(1) Notwithstanding any other provision of this title, except as provided in paragraph (2), an annuity (including a disability annuity) payable under this title to an individual described in section 301(c)(1) and any survivor annuity payable under this title on the basis of the service of such individual shall be reduced in a manner consistent with section 8349 of title 5, United States Code, under conditions consistent with the conditions prescribed in such section.

Ante, p. 589.

"(2) This section shall not apply with respect to any annuity, or survivor annuity, which is based on the service of an individual described in section 301(c)(2).".

Post, p. 624.

SEC. 504. THRIFT SAVINGS FUND PARTICIPATION BY PARTICIPANTS IN THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

50 USC 403 note.

Part K of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following new section:

100 STAT. 624

"THRIFT SAVINGS FUND PARTICIPATION BY PARTICIPANTS IN THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

50 USC 403 note.

Ante, p. 593.

"SEC. 293. (a) Participants in the Central Intelligence Agency Retirement and Disability System shall be deemed to be employees for the purposes of section 8351 of title 5, United States Code.

"(b) Subsections (k) and (m) of section 8461 of title 5, United States Code, shall apply with respect to contributions made by officers and employees of the Agency to the Thrift Savings Fund under section 8351 of such title, and to earnings attributable to the investment of such contributions.".

SEC. 505. ALTERNATIVE FORMS OF ANNUITIES.

Part K of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as amended by section 504 of this Act) is further amended by adding at the end thereof the following new section:

"ALTERNATIVE FORMS OF ANNUITIES

Regulations.
50 USC 403 note.

"SEC. 294. (a) The Director shall prescribe regulations under which an officer or employee of the Agency may, at the time of retiring under this title (other than under section 231), elect annuity benefits under this section instead of any other benefits under this title (including any survivor benefits under this title) based on the service of the officer or employee creditable under this title. The regulations and alternatives shall, to the maximum extent practicable, meet the requirements prescribed in section 8343a of title 5, United States Code. Ante, p. 591.

"(b) Notwithstanding any other provision of law, any lump-sum credit provided pursuant to an election under subsection (a) shall not preclude an individual from receiving other benefits provided under such subsection.

"(c) The Director shall submit the regulations prescribed under subsection (a) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before the regulations take effect.".

SEC. 506. PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following: Ante, p. 622.

"TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"APPLICATION OF FEDERAL EMPLOYEES' RETIREMENT SYSTEM TO AGENCY EMPLOYEES

"SEC. 301. (a) Except as provided in subsections (b) and (c), all officers and employees of the Agency, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, shall be subject to chapter 84 of title 5, United States Code. 50 USC 403 note. 42 USC 401. 26 USC 3101 *et seq.*; *ante*, p. 517.

"(b) Participants in the Central Intelligence Agency Retirement and Disability System who were participants in such system on or before December 31, 1983, and who have not had a break in service in excess of 1 year since that date, are not subject to chapter 84 of title 5, United States Code, without regard to whether they are subject to title II of the Social Security Act. 100 STAT. 625 Ante, p. 517. 42 USC 401.

"(c)(1) The provisions of chapter 84 of title 5, United States Code, shall not apply with respect to—

"(A) any individual who separates, or who has separated, from Federal Government service after having been an officer or employee of the Agency subject to title II of this Act; and

"(B) any officer or employee of the Agency having at least 5 years of civilian service which was performed before January 1, 1987, and is creditable under title II of this Act (determined without regard to any deposit or redeposit requirement under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act, or any requirement that the individual become subject to such subchapter or to title II of this Act after performing the service involved). Ante, pp. 589, 591–593.

"(2) Paragraph (1) shall not apply with respect to an individual who has elected under regulations prescribed under section 307 of this Act to become subject to chapter 84 of title 5, United States Code, to the extent provided in such regulations. Post, p. 628.

"(3) An individual described in paragraph (1) shall be deemed to be an individual excluded under section 8402(b)(2) of title 5, United States Code.

"(d) The application of the provisions of chapter 84 of title 5, United States Code, to officers and employees referred to in subsection (a) shall be subject to the exceptions and special rules provided in this title. Any provision of such chapter which is inconsistent with a special rule provided in this title shall not apply to such officers and employees.

"SPECIAL RULES RELATING TO SECTION 203 CRITERIA EMPLOYEES

"SEC. 302. (a) Except as otherwise provided in this section, in the application of chapter 84 of title 5, United States Code, to an officer 50 USC 403 note.

or employee of the Agency who is subject to such chapter and is designated by the Director under the criteria prescribed in section 203, such officer or employee shall be treated for purposes of determining such officer's or employee's retirement benefits and obligations under such chapter as if the officer or employee were a law enforcement officer (as defined in section 8401(17) of title 5, United States Code).

50 USC 403 note. "(b) The provisions of sections 233 and 235 of this Act shall apply to officers and employees referred to in subsection (a), except that the retirement benefits shall be determined under the provisions of chapter 84 of title 5, United States Code.

"(c)(1) Except as provided in paragraph (2), section 271 of this Act shall apply to an officer or employee referred to in subsection (a).

"(2) Contributions during recall service shall be made as provided in section 8422 of title 5, United States Code.

"(3) When an officer or employee recalled under this subsection reverts to a retired status, the annuity of such officer or employee shall be redetermined under the provisions of chapter 84 of title 5, United States Code.

100 STAT. 626

"SPECIAL RULES FOR OTHER EMPLOYEES FOR SERVICE ABROAD

50 USC 403 note. *Ante*, p. 517. "SEC. 303. (a) Notwithstanding any provision of chapter 84 of title 5, United States Code, the annuity under subchapter II of such chapter of a retired officer or employee of the Agency who is not designated under section 302(a) of this Act and has served abroad as an officer or employee of the Agency shall be computed as provided in subsection (b).

"(b)(1) The portion of the annuity relating to service abroad performed on or after the effective date of the Federal Employees' Retirement System Act of 1986 shall be computed as provided in section 8415(d) of title 5, United States Code.

"(2) The portions of the annuity relating to other service in the Agency shall be computed as provided in the provision of section 8415 of such title that is applicable to such service under the conditions prescribed in chapter 84 of such title.

"SPECIAL RULES FOR FORMER SPOUSES

50 USC 403 note. "SEC. 304. (a) Section 8445 of title 5, United States Code, and subsections (d) and (e) of section 8435 of such title shall not apply in the case of an officer or employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 204(b)(4) of this Act). 50 USC 403 note. Any reference in such chapter to a survivor annuity for a former spouse, as applied to such officer or employee, shall be deemed to refer to a survivor annuity for a former spouse of such officer or employee provided under subsection (c) of this section.

"(b) Section 221(b)(1)(C) of this Act shall apply to a survivor annuity under subsection (c)(2) of this section.

"(c) Except as otherwise provided in this section, the following provisions of title II of this Act shall apply in the case of an officer or employee of the Agency who is entitled to receive an annuity under subchapter II, III, or V of chapter 84 of title 5, United States Code, in the same manner as such provisions apply in the case of an officer or employee of the Agency under title II:

"(1) Section 222, except that subsections (b) and (c) of such section shall be subject to a waiver under subsection (b) of this section.

"(2) Subsections (a), (b)(1), and (b)(3) of section 223 and the first sentence of subsection (c) of such section.

"(3) Subsections (c) and (d) of section 234 (in the case of any lump-sum payment under section 8424(a) of title 5, United

States Code, and any payment under subsection (b)(3), (b)(4), (c)(3), (c)(4), or (d) of section 8433 of such title).

"(4) Section 263(b).

"(d) In the application of section 222(a) under subsection (c)(1)—

"(1) the reference in paragraph (4)(B) of such section to section 271, 272, or 273 of this Act shall be deemed to refer to any similar provision of law applicable to such officer or employee for purposes of chapter 84 of title 5, United States Code;

"(2) the amount of the reduction in the salary of a recalled or reinstated officer or employee under such paragraph (4)(B) shall be only the amount by which the annuity under subchapter II or V of chapter 84 of title 5, United States Code, would have been reduced; and

100 STAT. 627

"(3) amounts to be deposited in the Treasury of the United States pursuant to such paragraph (4)(B) shall be credited to the Civil Service Retirement and Disability Fund.

"(e) In the application of subsections (b) and (c) of section 222 under subsection (c)(2)— 50 USC 403 note.

"(1) the percentage prescribed in subsections (b)(1)(A), (b)(1)(B), (b)(4)(A), and (c)(2) of such section shall be deemed to be 50 percent;

"(2) for the purpose of computing the amount of the former spouse's annuity under subsection (b)(1) of such section and the maximum amount of survivor annuities under subsection (b)(4) or (c)(2) of such section, the full amount of the deceased officer's or employee's annuity—

"(A) in the case of an annuity under subchapter II or V of chapter 84 of title 5, United States Code, is the amount of such annuity computed without regard to the reduction for survivor annuities; and *Ante*, pp. 517, 565.

"(B) in the case of an annuity under subchapter III of such chapter, is the amount of such annuity computed on an actuarial basis as provided in such subchapter taking into account the application of section 222(b)(1) in the case of such annuity;

"(3) an election under subsection (b)(5)(B) of such section shall apply with respect to a survivor annuity for a spouse under section 8442 of title 5, United States Code;

"(4) the reference in subsection (c)(2) of such section to a survivor annuity for a spouse shall be deemed to refer—

"(A) in the case of an annuity under subchapter II or V of chapter 84 of title 5, United States Code, to the survivor annuity provided in section 8442 of title 5, United States Code; and

"(B) in the case of an annuity under subchapter III of such chapter, to the survivor annuity described in section 8435(c) of such title; and

"(5) the fund referred to in subsections (c)(3)(A) and (c)(3)(B) of such section shall be deemed to refer—

"(A) in the case of an annuity under subchapter II or V of chapter 84 of title 5, United States Code, to the Civil Service Retirement and Disability Fund; and

"(B) in the case of an annuity under subchapter III of such chapter, the Thrift Savings Fund established by section 8437 of such title.

"(f) A reduction in the annuity of an officer or employee of the Agency to provide a survivor annuity or survivor annuities under this section shall be computed as provided in section 8419(a) of title 5, United States Code.

"(g) The entitlement of a former spouse to a portion of an annuity of a retired officer or employee of the Agency under this section shall extend to any supplementary annuity payment that such officer or employee is entitled to receive under section 8421 of title 5, United States Code.

"ADMINISTRATIVE PROVISIONS

50 USC 403 note.

"SEC. 305. (a) Section 201(c) of this Act shall apply in the administration of chapter 84 of title 5, United States Code, with respect to officers and employees of the Agency.

100 STAT. 628

"(b) Notwithstanding subsection (a), section 8461(e) of title 5, United States Code, shall apply with respect to officers and employees of the Agency who are not participants in the Central Intelligence Agency Retirement and Disability System and are not designated under section 302(a) of this Act.

Ante, p. 625.

"REGULATIONS

50 USC 403 note.

"SEC. 306. (a) The Director, in consultation with the Director of the Office of Personnel Management and the Executive Director of the Federal Retirement Thrift Investment Board, shall prescribe in regulations appropriate procedures to carry out this title.

"(b) The Director shall submit the regulations prescribed under subsection (a) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before the regulations take effect.

"TRANSITION PROVISIONS

Regulations.
50 USC 403 note.

"SEC. 307. (a) The Director shall issue regulations providing for the transition from the Central Intelligence Agency Retirement and Disability System to the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, in a manner consistent with sections 301 through 304 of the Federal Employees' Retirement System Act of 1986.

Ante, p. 517.

"(b) The Director shall submit the regulations prescribed under subsection (a) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before the regulations take effect.".

SEC. 507. SPECIAL RETIREMENT ACCRUAL FOR OTHER INTELLIGENCE PERSONNEL.

(a) CERTAIN NATIONAL SECURITY AGENCY PERSONNEL.—Section 9(b)(1)(B) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting before the semicolon the following: "(including special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note))".

Ante, p. 626.

(b) CERTAIN DEFENSE INTELLIGENCE AGENCY PERSONNEL.—Section 1605(a) of title 10, United States Code, is amended by adding at the end thereof the following: "The Secretary may also provide to any such civilian personnel who are subject to chapter 84 of title 5, special retirement accrual benefits in the same manner provided for certain officers and employees of the Central Intelligence Agency in section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note).".

Ante, p. 626.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. ANNUITIES FOR SURVIVORS OF DISTRICT OF COLUMBIA JUDGES.

(a) AMENDMENTS TO DISTRICT OF COLUMBIA CODE.—(1) Subsections (a) and (b) of section 11-1567 of title 11 of the District of Columbia Code are each amended by striking out "3 per centum" each place it appears and inserting in lieu thereof "3.5 percent".

(2)(A) Subsection (a) of section 11-1568 of title 11 of the District of Columbia Code is amended by striking out "computing a survivor annuity" and inserting in lieu thereof "any provision of this subchapter which refers to this subsection".

100 STAT. 629

(B) Subsection (c) of section 11-1568 of title 11 of the District of Columbia Code is amended—

(i) in paragraph (2)(B), by striking out "the lesser of (i) $2,700 per year divided by the number of such children or (ii) $900" and inserting in lieu thereof "the lesser of (i) $8,424 per year divided by the number of such children or (ii) $2,808";

(ii) in paragraph (3), by striking out "the lesser of (A) $3,240 per year divided by the number of children or (B) $1,080" and inserting in lieu thereof "the lesser of (A) $10,110 per year divided by the number of such children or (B) $3,370";

(iii) by inserting before the first sentence of the matter following paragraph (3) the following:

"For the purpose of computing, under this subsection, the annuity of a child that commences on or after January 1, 1987, the figures $8,424, $2,808, $10,110, and $3,370 (provided in paragraphs (2) and (3)) shall be increased by the total percentage of the increases allowed and in force with respect to retirement salaries of judges under section 11-1571(a) of this title on or after such date."; and

(iv) in the first sentence of the matter following paragraph (3) by striking out "remarriage" and inserting in lieu thereof "upon remarriage prior to the attainment of fifty-five years of age".

(C) Subsection (e) of section 11-1568 of title 11 of the District of Columbia Code is amended to read as follows:

"(e) The annuity of a widow or widower of a judge or retired judge who elected a survivor annuity shall be equal to—

"(1) in the case of a judge who dies while in active regular service as a judge, the greater of—

"(A) 55 percent of the retirement salary the judge would have been entitled to receive (as computed under section 11-1564) if the judge had retired on the day before the date of death (without regard to the age requirements prescribed in section 11-1562(b)), or

"(B) 55 percent of the retirement salary the judge would have been entitled to receive (as computed under section 11-1564) if the judge had retired on the day before the date of death with 15 years of service for the purposes of this subchapter (without regard to the age requirements prescribed in section 11-1562(b)); and

"(2) in the case of a retired judge, 55 percent of the retirement salary payable to such judge on the day before the date of the judge's death.".

(b) Application of Amendments.—The benefits conferred by section 11-1568 of title 11 of the District of Columbia Code, by reason of the amendments made by subsection (a) shall apply to individuals eligible for annuities under such sections on or after the date of the enactment of this Act, except that—

(1) such annuities shall be computed in accordance with the provisions of such section, as amended by subsection (a), notwithstanding contributions or deposits made in accordance with applicable law at lower rates; and

(2) no additional liability shall be created with respect to deposits made in accordance with applicable law before the date of the enactment of this Act, or after such date pursuant to an installment payment election made under section 11-1567(b) of title 11 of the District of Columbia Code, before such date. 100 STAT. 630

(c) Opportunity to Revoke a Previous Survivor Annuity Election.—(1)(A) Any individual who, before the date of the enactment of this Act, made an election under section 11-1566 of title 11 of the District of Columbia Code, to come within the purview of the survivor annuity provisions of subchapter III of chapter 15 of such title may revoke that election. Such a revocation shall constitute a complete withdrawal from the survivor annuity program provided for in such subchapter.

(B) A revocation under subparagraph (A) shall be submitted in writing to the Mayor of the District of Columbia.

(2) A revocation under paragraph (1) shall be effective on the day it is received by the official referred to in subparagraph (B) of such paragraph.

(3)(A) On the effective date of a revocation under paragraph (1), any right to survivor benefits (to which the revocation relates) for the survivors of the individual who makes the revocation shall terminate, and all amounts credited to the account of such individual under section 11-1570(c) of title 11 of the District of Columbia Code, together with interest computed as provided in subparagraph (B), shall be returned to that individual in a lump-sum payment.

(B) For the purpose of subparagraph (A), interest shall be computed in accordance with section 11-1561(10)(C) of title 11 of the District of Columbia Code.

(4)(A) Any individual who makes a revocation under paragraph (1) and who thereafter becomes eligible to make an election under section 11-1556 of title 11 of the District of Columbia Code, may make such election only if such individual redeposits, to the credit of the District of Columbia Judge's Retirement Fund referred to in section 11-1561(4) of such title, the full amount of the lump-sum payment made to such individual under paragraph (4), together with interest.

(B) For the purpose of subparagraph (A), interest shall be computed at 3 percent per annum, compounded on December 31 of each year from the date of the lump-sum payment referred to in such subparagraph until the date on which the amount referred to in such subparagraph is redeposited under such subparagraph.

(d) ADDITIONAL OPPORTUNITY TO MAKE A SURVIVOR ANNUITY ELECTION.—(1) Any individual who, on or before the date of the enactment of this Act, has not made an election under section 11-1566(a) of title 11 of the District of Columbia Code, to come within the purview of the survivor annuity provisions of subchapter III of chapter 15 of such title and is no longer entitled to make such an election may make such an election. Any such election shall be submitted in writing to the Mayor of the District of Columbia.

(2) An election under paragraph (1) shall be effective on the day it is received by the official referred to in such paragraph.

(e) PERIOD FOR EXERCISE OF RIGHT TO REVOKE OR ELECT.—The right to revoke an election under subsection (d) or to make an election under subsection (e) is irrevocably waived if not exercised within 180 days after the date of the enactment of this Act.

100 STAT. 631

TITLE VII—AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATES

5 USC 8472 note.

SEC. 701. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN EXPENSES OF THE FEDERAL RETIREMENT THRIFT INVESTMENT MANAGEMENT SYSTEM.

(a) TEMPORARY ALTERNATIVE FUNDING.—Notwithstanding section 8434(c)(3) of title 5, United States Code (as added by section 101 of this Act), the expenses incurred in the administration of the Federal Retirement Thrift Investment Management System under subchapter VII of chapter 84 of such title (as so added) during fiscal years 1986 and 1987 shall be paid from sums appropriated pursuant to subsection (b).

Ante, p. 577.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Retirement Thrift Investment Board, for fiscal years 1986 and 1987, such sums as may be necessary to pay the expenses incurred in the administration of the Federal Retirement Thrift Investment Management System during such fiscal years.

SEC. 702. EFFECTIVE DATES.

5 USC 8401 note.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on January 1, 1987.

(b) EXCEPTIONS.—(1) Subchapter VII of chapter 84 of title 5, United States Code, as added by section 101 of this Act, shall take effect on the date of the enactment of this Act.

(2) Except as provided in section 305 of this Act, title III of this Act, and the amendments made by such title, shall take effect on the date of the enactment of this Act.

(3) The amendments made by sections 204 and 205 of this Act shall take effect on the date of the enactment of this Act.

(4) Section 701 of this Act shall take effect on the date of the enactment of this Act.

(5) Sections 505 and 601 of this Act and the amendments made by such section 601 shall take effect on the date of the enactment of this Act.

(c) FIRST COST-OF-LIVING ADJUSTMENT.—(1) For purposes of the first adjustment under subsection (b) of section 8462 of title 5, United States Code (as added by section 101 of this Act), the base quarter ending on September 30, 1986, shall be considered to have been the base quarter for a year in which an adjustment under such subsection was made.

100 STAT. 632

(2) As used in paragraph (1), the term "base quarter" has the meaning provided by section 8462(a)(1) of title 5, United States Code (as added by section 101 of this Act).

Approved June 6, 1986.

LEGISLATIVE HISTORY—H.R. 2672 (S. 1527):

HOUSE REPORT No. 99-606 (Comm. of Conference).
SENATE REPORTS: No. 99-166 accompanying S. 1527 (Comm. on Governmental Affairs) and No. 99-302 (Comm. of Conference).
CONGRESSIONAL RECORD:
Vol. 131 (1985): July 8, considered and passed House.
Nov. 7, considered and passed Senate, amended, in lieu of S. 1527.
Vol. 132 (1986): May 20, Senate agreed to conference report.
May 22, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS: Vol. 22, No. 23 (1986):
June 6, Presidential statement.

Public Law 99-359
99th Congress

100 STAT. 764

An Act

To authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

July 8, 1986
[S. 2180]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(f) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(f)) is amended—

(1) by striking "is" and inserting in lieu thereof "are"; and

(2) by inserting immediately before the period the following: "and $18,300,000 for the fiscal year ending September 30, 1987".

SEC. 2. (a) The Congress finds—

Daylight saving time.
Energy.
15 USC 260a note.

(1) that various studies of governmental and nongovernmental agencies indicate that daylight saving time over an expanded period would produce a significant energy savings in electrical power consumption;

(2) that daylight saving time may yield energy savings in other areas besides electrical power consumption;

(3) that daylight saving time over an expanded period could serve as an incentive for further energy conservation by individuals, companies, and the various governmental entities at all levels of government, and that such energy conservation efforts could lead to greatly expanded energy savings; and

(4) that the use of daylight saving time over an expanded period could have other beneficial effects on the public interest, including the reduction of crime, improved traffic safety, more daylight outdoor playtime for the children and youth of our Nation, greater utilization of parks and recreation areas, expanded economic opportunity through extension of daylight hours to peak shopping hours and through extension of domestic office hours to periods of greater overlap with the European Economic Community.

15 USC 260a.

(b) Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking "last Sunday of April" and inserting in lieu thereof "first Sunday of April".

State and local governments. 15 USC 260a note.

(c) Any law in effect on the date of the enactment of this Act—

(1) adopted pursuant to section 3(a)(2) of the Uniform Time Act of 1966 by a State with parts thereof in more than one time zone, or

(2) adopted pursuant to section 3(a)(1) of such Act by a State that lies entirely within one time zone,

shall be held and considered to remain in effect as the exercise by that State of the exemption permitted by such Act unless that State, by law, provides that such exemption shall not apply.

Communications and telecommunications. 15 USC 260a note.

(d)(1) Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service.

100 STAT. 765

(2) Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics.

(3) Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

Effective date. 15 USC 260a note.

(e) This section shall take effect 60 days after the date of enactment of this Act, except that if such effective date occurs in any calendar year after March 1, this section shall take effect on the first day of the following calendar year.

Approved July 8, 1986.

LEGISLATIVE HISTORY—S. 2180 (H.R. 4252):

HOUSE REPORT No. 99-623 accompanying H.R. 4252 (Comm. on Science and Technology).
SENATE REPORT No. 99-267 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 132 (1986):
May 15, 19, 20, considered and passed Senate.
June 23, 24, H.R. 4252 considered and passed House; proceedings vacated and S. 2180 passed in lieu.

Public Law 99-470
99th Congress

100 STAT. 1198

An Act

To authorize appropriations for the Administrative Conference of the United States, and for other purposes.

Oct. 14, 1986
[H.R. 4588]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMBERSHIP OF ADMINISTRATIVE CONFERENCE.

(a) Section 573 of title 5, United States Code, is amended—
(1) in subsection (a) by striking "91" and inserting "101"; and
(2) in subsection (b)(6) by striking "36" and inserting "40".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 576 of title 5, United States Code, is amended to read as follows:

"§ 576. Authorization of appropriations

"There are authorized to be appropriated to carry out the purposes of this subchapter not more than $1,600,000 for fiscal year 1986 and not more than $2,000,000 for each fiscal year thereafter up to and including fiscal year 1990. Of any amounts appropriated under this section, not more than $1,000 may be made available in each fiscal year for official reception and entertainment expenses for foreign dignitaries.".

(b) CLERICAL AMENDMENT.—The item relating to section 576 in the table of sections for chapter 5 of title 5, United States Code, is amended to read as follows:

"576. Authorization of appropriations.".

Approved October 14, 1986.

LEGISLATIVE HISTORY—H.R. 4588:

HOUSE REPORTS: No. 99-603 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 132 (1986):
May 19, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 99-547
99th Congress

100 STAT. 3057

An Act

To require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes.

Oct. 27, 1986
[H.R. 3168]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Consolidated Federal Funds Report Amendments of 1985.
31 USC 6201 note.

SECTION 1. This Act may be cited as the "Consolidated Federal Funds Report Amendments of 1985".

31 USC 6101 *et seq.*

SEC. 2. (a) Title 31, United States Code, is amended by inserting after chapter 61 the following new chapter:

"CHAPTER 62—CONSOLIDATED FEDERAL FUNDS REPORT

"Sec.
"6201. Definitions.
"6202. Content, form, and data for report.
"6203. Printing and distribution of reports and machine-readable records.

"6204. Delegation.
"6205. Availability of information.
"6206. Data consistency and uniformity of data elements.
"6207. Authorization of appropriations.

31 USC 6201.

"§ 6201. Definitions

"As used in this chapter, the term—

"(1) 'Director' means the Director of the Office of Management and Budget;

"(2) 'State' means any State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Government of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands; and

"(3) 'municipality' means any subcounty unit of general local government that received Federal assistance in the fiscal year that is the subject of the report.

"§ 6202. Content, form and data for report

"(a) For fiscal years 1986, 1987, 1988, 1989, and 1990, not later than 180 days after the end of each fiscal year, the Director shall prepare a Consolidated Federal Funds Report presenting the total amount of Federal funds that were obligated for expenditure or expended in each State, county or parish, congressional district, and municipality of the United States in appropriate general categories of Federal funds during the preceding fiscal year. To the extent practicable, such categories shall be consistently constituted from year to year. The report shall be in the form described in subsection (b) and shall be based on the data referred to in subsection (c).

"(b) The Director shall include in each report required by subsection (a)—

"(1) the total amount of Federal funds that were reported obligated for expenditure in each State, county or parish, congressional district, and municipality of the United States in appropriate general categories of Federal funds in the fiscal year preceding the fiscal year in which the report is made; or

100 STAT. 3058

"(2) the total amount of Federal funds that were reported actually expended in each State, county or parish, congressional district, and municipality of the United States in appropriate categories in the fiscal year preceding the fiscal year in which the report is made.

Grants.
Loans.

"(c) The report required by subsection (a) shall be based on the data included in—

"(1) the Federal assistance awards data system established pursuant to section 6102a of this title;

Post, p. 3060.

"(2) the Federal procurement data system established pursuant to section 6(d)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(5));

"(3) the appropriate data files of the Office of Personnel Management;

"(4) the payroll, pension, and grants files of the Office of the Secretary of Defense;

"(5) the appropriate data files of the United States Postal Service and the Postal Rate Commission;

"(6) the data system used by the Bureau of the Census to prepare the annual Federal aid to States report;

Uniformed services.

"(7) the retirement and disability files of the United States Coast Guard, the Tennessee Valley Authority, the Commissioned Corps of the Public Health Service, the Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Foreign Service;

Insurance.

"(8) the insurance claims files of the Federal Emergency Management Agency and the Department of Agriculture;

"(9) the grants files of the Legal Services Corporation;

Taxes.

"(10) the excess earned income tax credit file of the Internal Revenue Service;

"(11) the appropriate data files of the National Railroad Passenger Corporation; and

"(12) the payroll file of the Federal Bureau of Investigation.

"(d) For the purposes of subsection (b), the general categories of Federal funds presented in each report required by subsection (a) shall include data with respect to grants, loans, purchases and contracts, cooperative agreements, direct Federal payments to individuals, pay of civilian employees of the Government, military pay, annuities, retirement pay, pensions, and disability compensation.

Grants.
Loans.
Contracts.
Government organization and employees.
Retirement.

"§ 6203. Printing and distribution of reports and machine-readable records

31 USC 6203.

"(a)(1) The Director shall—

"(A) prepare—

"(i) printed copies of each of the reports required by this chapter; and

"(ii) machine-readable records of such reports; and

"(B) make the printed copies of the reports and the machine-readable records available to the public for purchase at a price fixed under subsection (b).

Public information.

"(2) The Director shall transmit free of charge one of each of the printed copies of the reports required by this chapter to—

"(A) each Federal regional depository library;

Libraries.

"(B) the Committees on Government Operations, the Budget, and Appropriations of the House of Representatives; and

"(C) the Committees on Governmental Affairs, the Budget, and Appropriations of the Senate.

"(3) The Director shall also transmit promptly after the end of each calendar year, free of charge, one machine-readable record of the report required by section 6202 to the Committee on Rules and Administration of the Senate and to the Committee on House Administration of the House of Representatives.

"(4) Subject to subsection (b), the Director may, at his discretion, waive all or part of the fee required by subsection (a)(1)(B) of this section.

"(b) In carrying out subsection (a)(1)(B), the Director shall, based on the estimates made under paragraphs (1) and (2) of this subsection, fix the price of each printed copy and each machine-readable record of the report so that the aggregate revenues obtained in each fiscal year under subsection (a) will cover as much as is feasible of the incremental costs incurred in making these reports and machine-readable records available for purchase by the public. In computing these costs the Director shall not consider the costs of the activities set forth in sections 6102a and 6205 of this title but shall consider—

Public information.

Post, p. 3060.

"(1) the cost of compiling the reports required by this chapter; preparing the printed copies and machine-readable records under subsection (a); and distributing the printed copies and the machine-readable records of the report for each fiscal year; and

"(2) the number of printed copies and the number of machine-readable records of the report that will be purchased.

"§ 6204. Delegation

31 USC 6204.

"In order to carry out sections 6202 and 6203 of this chapter, the Director may delegate to any authority of the executive branch of the Federal Government the responsibility for carrying out such sections. The Director shall oversee the activities of any authority to which responsibilities are delegated under this section and shall monitor the compliance of each authority with respect to the requirements set forth in section 6205.

"§ 6205. Availability of information

"Each head of any authority of the Government having custody of the data files and systems referred to in section 6202(c)—

"(1) shall make available to the Director (or other authority to which the Director has delegated the responsibility to carry out such section) the information requested in the form designated; and

"(2) is authorized to make available to the Director (or such other authority) such administrative services, equipment, personnel, and facilities (and funds appropriated therefor) as the Director or such authority requires to carry out such section.

"§ 6206. Data consistency and uniformity of data elements

"The Director shall designate a single organizational unit to provide for data consistency and uniform reporting of data elements.

100 STAT. 3060

31 USC 6207.

"§ 6207. Authorization of appropriations

"There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1986, 1987, 1988, 1989, and 1990.".

(b)(1) Section 6102a of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The Director shall transmit promptly after the end of each calendar quarter, free of charge, the data in the system required by subsection (a) to the Committee on Rules and Administration of the Senate and to the Committee on House Administration of the House of Representatives.".

(2) Section 6101(4)(B) of such title is amended by striking out everything after "does not include" and inserting "assistance from an agency for an agency".

(c) The table of chapters for subtitle V of title 31, United States Code, is amended by inserting after the item pertaining to chapter 61 the following new item:

"62. Consolidated Federal Funds Report.. 6201".

Effective date.
31 USC 6102 note.

(d) Effective on May 1, 1986, the Consolidated Federal Funds Report Act of 1982 is repealed.

Approved October 27, 1986.

LEGISLATIVE HISTORY—H.R. 3168:

HOUSE REPORTS: No. 99-452 (Comm. on Government Operations).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Mar. 4, considered and passed House.
Oct. 8, considered and passed Senate.

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100 STAT. 3071

Public Law 99-551
99th Congress

An Act

Oct. 27, 1986
[H.R. 4116]

To extend and improve the Domestic Volunteer Service Act of 1973.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Domestic Volunteer Service Act Amendments of 1986.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Volunteer Service Act Amendments of 1986".

SEC. 2. VOLUNTEERISM POLICY.

42 USC 4950 note.
42 USC 4951 note.

(a) VOLUNTEERISM POLICY.—The Domestic Volunteer Service Act of 1973 (hereinafter in this Act referred to as "the Act") is amended by inserting immediately after the table of contents the following new section:

"VOLUNTEERISM POLICY

42 USC 4950.

"SEC. 2. (a) Because of the long-standing importance of volunteerism throughout American history, it is the policy of the Congress to foster the tradition of volunteerism through greater involvement on the part of both young and older citizens.

Disadvantaged persons.
Aged persons.
State and local governments.

"(b) The purpose of ACTION, the Federal domestic volunteer agency, is to foster and expand voluntary citizen service in communities throughout the Nation in activities designed to help the poor, the disadvantaged, the vulnerable, and the elderly. In carrying out this purpose, ACTION shall utilize to the fullest extent the programs authorized under this Act, coordinate with other Federal, State, and local agencies and utilize the energy, innovative spirit, experience, and skills of all Americans.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting before the item relating to title I the following:

"Sec. 2. Volunteerism policy.".

SEC. 3. ASSIGNMENT OF VOLUNTEERS.

42 USC 4953.

(a) RECRUITMENT AND ASSIGNMENT.—Section 103(b) of the Act is amended to read as follows:

"(b) The Director shall establish, at a cost not to exceed $250,000, procedures to recruit and place individuals from all walks of life, age groups, economic levels, and geographic areas to serve as VISTA volunteers. The procedures shall include an information system to ensure that potential applicants are made aware of the broad range of VISTA volunteer opportunities and a system to identify and place qualified volunteers where their skills are most needed. The Director shall also establish procedures for national and local recruitment, media and public awareness efforts, and specialized campaigns designed to recruit recent college graduates, special skilled volunteers, and individuals 55 years of age and older. The Director, wherever feasible and appropriate, shall assign low-income community volunteers to serve in their home communities in teams with nationally recruited specialist volunteers. The Director shall make efforts to assign volunteers to serve in their home or nearby communities and shall make national efforts to attract other volunteers to serve in the VISTA program. The Director shall also, in the assignment of volunteers, recognize that the community identified needs which cannot be met in the local area, and the individual desires of VISTA volunteers in regard to placement in various geographic areas of the Nation, should be taken into consideration.".

100 STAT. 3072

42 USC 5047.

(b) REPORTS.—Section 407 of the Act is amended—

(1) by inserting "(a)" after "407."; and

(2) by adding the following subsection:

"(b) Not later than 120 days after the end of each fiscal year, the Director shall prepare and submit to the appropriate committees of the Congress a report describing activities under section 103(b).".

42 USC 4953.

SEC. 4. ESTABLISHMENT OF VISTA LITERACY CORPS.

42 USC 4958.

(a) ESTABLISHMENT OF LITERACY CORPS.—The Act is amended by inserting after section 108 the following new section:

"VISTA LITERACY CORPS

State and local governments.
Education.
Disadvantaged persons.
42 USC 4959.

"SEC. 109. (a) As part of the Volunteers in Service to America program established under this part, the Director shall establish a VISTA Literacy Corps for the purpose of developing, strengthening, supplementing, and expanding efforts of both public and nonprofit organizations at the local, State, and Federal level to mobilize local, State, Federal, and private sector financial and volunteer resources to address the problem of illiteracy throughout the United States.

"(b) The Director shall assign volunteers to projects and programs that meet the antipoverty criteria of part A that provide assistance to functionally illiterate and illiterate individuals who are unserved or underserved by literacy education programs, with special emphasis upon disadvantaged individuals having the highest risk of illiteracy, and individuals with the lowest reading and educational level of competence.

"(c)(1) The Director shall assign volunteers under this subsection to projects and programs that utilize volunteers to address the needs of illiterate individuals.

Libraries. Employment and unemployment.

"(2) Programs and projects under this subsection may be administered by public or private nonprofit agencies and organizations including local, State, and national literacy councils and organizations; community-based nonprofit organizations; local and State education agencies; local and State agencies administering adult basic education programs; educational institutions; libraries; antipoverty organizations; local, municipal, and State governmental entities, and administrative entities designated to administer job training plans under the Job Training Partnership Act.

29 USC 1501 note.

"(3) In the assignment of volunteers under this subsection the Director shall give priority consideration to—

"(A) programs and projects that assist illiterate individuals in greatest need of assistance residing in unserved or underserved areas with the highest concentrations of illiteracy and of low income individuals and families;

"(B) projects and programs serving individuals reading at the zero to fourth grade levels;

"(C) projects and programs focusing on providing literacy services to high risk populations;

"(D) projects and programs operating in areas with the highest concentration of individuals and families living at or below the poverty level;

Children and youth.

"(E) projects and programs providing literacy services to parents of disadvantaged children between the ages of two and eight, who may be educationally at risk; and

"(F) Statewide programs and projects that encourage the creation of new literacy efforts, encourage the coordination of intrastate literacy efforts and provide technical assistance to local literacy efforts.

"(d)(1) The Director shall assign volunteers under this subsection to projects and programs that primarily utilize volunteers to tutor illiterate individuals.

Libraries. Employment and unemployment.

"(2) Programs and projects under this subsection may be administered by local public or private nonprofit agencies and organizations including local literacy councils and organizations, community-based nonprofit organizations, local educational agencies, local agencies administering adult basic education programs, local educational institutions, libraries, antipoverty organizations, local and municipal governmental entities, and administrative entities designated to administer job training plans under the Job Training Partnership Act.

29 USC 1501 note.

"(3) In the assignment of volunteers under this subsection the Director shall give priority consideration to local programs and projects that assist illiterate individuals in greatest need of assistance residing in unserved or underserved areas with the highest concentrations of illiteracy and of low income individuals and families.

"(e) The Director shall ensure an equitable distribution of volunteers under this section in accordance with the equitable distribution requirement of section 414 of this Act.

42 USC 5054.

"(f) The VISTA Literacy Corps shall consist of all volunteers serving under part A working on literacy projects and programs.

42 USC 5081.

"(g)(1) Funds made available under section 501(a) for the purposes of this section shall be used to supplement and not supplant the level of services provided under part A in fiscal year 1986 to address the problem of illiteracy.

"(2) In any fiscal year in which the services provided under part A are reduced, the services provided under this section shall be proportionately reduced.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 108 the following: 42 USC 4958.

"Sec. 109. VISTA Literacy Corps.".

SEC. 5. SERVICE LEARNING PROGRAMS.

Section 111 of the Act is amended— 42 USC 4971.

(1) by inserting "(a)" after the section designation;

(2) by striking out the second and third sentences of such section; and

(3) by adding the following new subsection:

"(b) This part provides for the University Year for ACTION (UYA) program of full-time volunteer service by students enrolled in institutions of higher education. The purpose of the UYA program is to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems by enabling students at cooperating institutions to perform meaningful and constructive volunteer service in connection with the satisfaction of course-work while attending such institutions. Volunteer service under this part is conducted in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by individuals experiencing such problems.". Education. Schools and colleges.

100 STAT. 3074

SEC. 6. SERVICES TO INDIANS.

(a) SPECIAL VOLUNTEER PROGRAMS.—Section 122(a)(1) of the Act is amended by inserting "(including Indian reservations)" after "rural areas". 42 USC 4992.

(b) DEFINITIONS.—Section 421 of the Act is amended— 42 USC 5061.

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding the following paragraph:

"(5) the terms 'public agencies or organizations' and 'Federal, State, or local agencies' shall include any Indian tribe, band, nation, or other organized group or community (including any Alaskan native village or regional village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act) which is recognized by the United States or the State in which it resides as eligible for special programs and services provided to Indians because of their status as Indians.". State and local governments. Alaska. 43 USC 1601 note.

SEC. 7. VOLUNTEERS SERVING WITHOUT STIPEND.

(a) VOLUNTEER SERVICE PROJECTS.—(1) Section 211 of the Act is amended— 42 USC 5011.

(A) in the first sentence of subsection (d) by inserting "low-income" after "provide to", and

(B) by adding at the end thereof the following:

"(f)(1)(A) Except as provided in subparagraphs (B) and (C), individuals who are not low-income persons may serve as volunteers under this part, in accordance with such regulations as the Director shall issue, if such individuals serve without receiving any allowance, stipend, or other financial support under this part except reimbursement for transportation, meals, and out-of-pocket expenses incident to serving under this part. Regulations.

"(B) The regulations issued by the Director to carry out this part (other than any regulations relating to allowances, stipends, and other financial support authorized by subsection (d) to be paid under Regulations.

this part to low-income persons) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).

"(C) Individuals who are not low-income persons may not serve as volunteers under this part in any community in which there are volunteers serving under part A of this title.

Grants. Contracts.

"(2)(A) Except as provided in subparagraph (B), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend under subsection (d).

"(B) An individual who is not a low-income person may not become a volunteer under this part if allowing such individual to become a volunteer under this part would prevent a low-income individual from becoming a volunteer under this part or would displace a low-income person from being such a volunteer.

100 STAT. 3075

Grants. Contracts.

"(3) The Director may not require as a condition of receiving a grant or contract to carry out a project under this part, any applicant for such grant or contract—

"(A) to accept individuals who are not low-income persons to serve as volunteers under this part; or

"(B) to solicit locally generated contributions, in cash or in kind, to support such individuals.

"(4) Funds appropriated to carry out this part may not be used to pay any cost, including any administrative cost, incurred in connection with volunteers under this part who do not receive a stipend under subsection (d). Such cost incurred with respect to a volunteer may be paid with—

Gifts and property.

"(A) funds received by the Director as unrestricted gifts;

"(B) funds received by the Director as gifts to pay such cost;

"(C) funds contributed by such volunteer; or

Grants. Contracts.

"(D) locally generated contributions in excess of the amount required to be contributed under subsection (a), in the discretion of the recipient of a grant or contract under such subsection.".

Grants. Contracts. *Ante*, p. 3074. 42 USC 5011 note.

(2) Section 211(f)(3) of the Domestic Volunteer Service Act of 1973, as added by paragraph (1), shall apply with respect to grants and contracts made under section 211(a) of such Act before the date of the enactment of this Act.

(b) SENIOR COMPANION PROGRAM.—Section 213(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5013(b)) is amended to read as follows:

"(b) Subsections (d), (e), and (f) of section 211, and such other provisions of part B as the Director determines to be necessary, shall apply to this part, except that for purposes of this part any reference in such subsections and such provisions to part B shall be deemed to be a reference to this part.".

SEC. 8. EVALUATION.

42 USC 5056.

(a) GENERAL AUTHORITY.—Section 416(a) of the Act is amended to read as follows:

"(a) The Director shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals, in general, and in relation to their cost, their impact on related programs, and their structure and mechanism for delivery of services. Each program shall be evaluated at least once every three years. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act."

42 USC 5054.

(b) TITLE II EVALUATION AND REPORT TO CONGRESS.—Section 416 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5056) is amended—

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

"(f) Not later than December 31, 1988, the Director shall—

"(1) evaluate the impact of ACTION Agency programs carried out under title II that relate to services that assist families caring for frail and disabled adult family members and shall include in such evaluation information on—

42 USC 5001 *et seq.*

100 STAT. 3076

"(A) the range and extent of service needs of, and the services provided to, family caregivers assisted by volunteers;

"(B) the characteristics of volunteers and the skills, training, and supervision necessary to provide various types of volunteer assistance to family caregivers;

"(C) administrative costs, including recruitment, training, and supervision costs, associated with volunteer assistance to family caregivers; and

"(D) such other issues as may be relevant to provide services to assist family caregivers;

"(2) evaluate the impact that volunteers who participate in programs under parts B and C of title II without receiving a stipend have on such programs and shall include in such evaluation—

42 USC 5011, 5013.

"(A) information on adminstrative costs associated with such volunteers;

"(B) a comparison of the quality of services provided by such volunteers and the quality of services provided by volunteers who receive a stipend under such parts, including the rate of absenteeism and turnover; and

"(C) a review of the effect that participation by volunteers who do not receive such stipend have on the administration of such programs; and

"(3) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report summarizing in detail the results of the evaluations made under paragraphs (1) and (2).".

Reports.

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 of the Act is amended by striking subsections (a), (b), (c), and (d)(1) and inserting the following:

42 USC 5081.

"SEC. 501. (a)(1) There is authorized to be appropriated to carry out part A of title I (except section 109) $25,000,000 for fiscal year 1987, $26,000,000 for fiscal year 1988, and $27,040,000 for fiscal year 1989.

42 USC 4951.
Ante, p. 3072.

"(2) There is authorized to be appropriated to carry out section 109(c) and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act $2,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989.

"(3) There is authorized to be appropriated to carry out section 109(d) and to expand the number of VISTA Literacy Corps volunteers in literacy programs and projects under part A of title I of this Act $1,000,000 for each of the fiscal years 1987, 1988, and 1989.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for each of the fiscal years 1987, 1988, and 1989.

42 USC 4971.

"(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,984,000 for each of the fiscal years 1987, 1988, and 1989.

42 USC 4991.

"(d)(1) Of the amounts appropriated under this section for parts A, B, and C of title I and for sections 109(c) and 109(d), there shall first be available for part A of title I (other than section 109), an amount not less than the amount necessary to provide—

100 STAT. 3077 "(A) 2,400 years of volunteer service in fiscal year 1987;
"(B) 2,500 years of volunteer service in fiscal year 1988; and
"(C) 2,600 years of volunteer service in fiscal year 1989.".

42 USC 5082. (b) Retired Senior Volunteer Program.—Section 502(a) of the Act is amended—

(1) by striking out "$30,412,000" and all that follows through "1985, and", and

(2) by inserting after "1986" the following: ", $32,000,000 for fiscal year 1987, $[illegible]280,000 for fiscal year 1988, and $34,610,000 for fiscal year 1989".

(c) Foster Grandparents and Older American Community Service Programs.—Section 502(b) of the Act is amended—

(1) by striking out "$52,650,000" and all that follows through "1985, and", and

(2) by inserting after "1986" the following: ", $60,000,000 for fiscal year 1987, $62,400,000 for fiscal year 1988, and $64,900,000 for fiscal year 1989".

(d) Senior Companions Program.—Section 502(c) of the Act is amended—

(1) by striking out "$17,607,000" and all that follows through "1985, and", and

(2) inserting after "1986" the following: ", $29,740,000 for fiscal year 1987, $30,930,000 for fiscal year 1988, and $32,170,000 for fiscal year 1989".

42 USC 5084. (e) Administration and Coordination.—Section 504 of the Act is amended by striking out "$25,800,000" and all that follows and inserting "$25,312,000 for each of the fiscal years 1987, 1988, and 1989.".

SEC. 10. TECHNICAL AMENDMENTS.

(a) Part Heading Correction.—

42 USC 5013. (1) The heading of part C of title II of the Act is amended to read as follows:

"Part C—Senior Companion Program".

(2) The item for part C of title II in the table of contents of the Act is amended to read as follows:

"Part C—Senior Companion Program".

(b) Conforming Amendment.—

42 USC 5024. 98 Stat. 194. (1) Section 16(a) of the Domestic Volunteer Service Act Amendments of 1984 is amended by striking out "Part C" and inserting in lieu thereof "Part D".

(2) Section 16(b) of such Act is amended by striking out "part C" and inserting in lieu thereof "part D".

(c) Section Heading Correction.—

42 USC 5013. (1) The heading of section 213 of the Act is amended by striking out "THE PROGRAM" and inserting in lieu thereof "VOLUNTEER SERVICE PROJECTS".

(2) The item for section 213 in the table of contents of the Act is amended by striking out "the program" and inserting in lieu thereof "volunteer service projects".

42 USC 4992. (d) Punctuation.—Section 122(a)(1) of the Act is amended by striking out a semicolon each place it appears and inserting in lieu thereof a comma.

100 STAT. 3078

42 USC 5041. (e) Reference.—The fifth sentence of section 401 of the Act is amended by striking out "level 5" and inserting in lieu thereof "level V".

42 USC 5042. (f) Punctuation.—Section 402(a)(1) of the Act (as redesignated by section 5(1) of this Act) is amended by inserting a comma immediately before "except" the second time it appears.

42 USC 5059. (g) Punctuation.—Section 419 of the Act is amended by striking out "to this Act" and inserting in lieu thereof "to this Act)".

(h) REFERENCE.—Section 421(1) of the Act is amended by striking out "agency" and inserting in lieu thereof "Agency". 42 USC 5061.

(i) USE OF GENDER NEUTRAL TERMINOLOGY.—

(1) Section 105(b) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director". 42 USC 4955.

(2) Section 112 of the Act is amended by striking out "he" and inserting in lieu thereof "the Director". 42 USC 4972.

(3) Section 114(c) of the Act is amended by striking out "he" each time it appears and inserting in lieu thereof "the Director". 42 USC 4974.

(4) Section 122(b) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director". 42 USC 4992.

(5)(A) Section 402(a) of the Act (as redesignated by section 5(1) of this Act) is amended by striking out "him" and inserting in lieu thereof "the Director". 42 USC 5042.

(B) Section 402(a)(3) of the Act is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Director".

(C) Section 402(a)(7) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(D) Section 402(a)(8) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(E) Section 402(a)(10) of the Act is amended by striking out "him" each time it appears and inserting in lieu thereof "the Director".

(F)(i) Section 402(a)(11)(B) of the Act is amended by striking out "him" and inserting in lieu thereof "the Director".

(ii) Section 402(a)(11)(B)(ii) of the Act is amended by striking out "his intention" and inserting in lieu thereof "the intention of the Director".

(G) Section 402(a)(14) is amended by striking out "he" and inserting in lieu thereof "the Director".

(6) Section 403(a) of the Act is amended by striking out "his official capacity" and inserting in lieu thereof "an official capacity". 42 USC 5043.

(7) Section 404(e) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director". 42 USC 5044.

(8) Section 412(a) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director". 42 USC 5052.

(9) Section 415(d) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director". 42 USC 5055.

(10)(A) Section 601(c) of the Act is amended by striking out "his designee" and inserting in lieu thereof "the designee of the Director". 42 USC 5041 note.

(B) Section 601(e) of the Act is amended by striking out "his official capacity" and inserting in lieu thereof "an official capacity". 42 USC 5041 note.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this Act shall take effect October 1, 1986. 42 USC 4950 note.

Approved October 27, 1986.

LEGISLATIVE HISTORY—H.R. 4116 (S. 2324):

HOUSE REPORTS: No. 99-588 (Comm. on Education and Labor) and No. 99-954 (Comm. of Conference).

SENATE REPORTS: No. 99-332 accompanying S. 2324 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 132 (1986):
June 10, considered and passed House.
July 14, considered and passed Senate, amended, in lieu of S. 2324.
Oct. 2, House agreed to conference report.
Oct. 8, Senate agreed to conference report.

100 STAT. 3145

Public Law 99-559
99th Congress

An Act

Oct. 27, 1986
[H.J. Res. 754]

Providing for furloughed employees compensation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, Federal employees furloughed as a result of the lapse in appropriations from midnight October 16, 1986, until the enactment of House Joint Resolution 738 shall be compensated at their standard rate of compensation for the period during which there was a lapse in appropriations.

Ante, pp. 1783, 3341.

All obligations incurred in anticipation of the appropriations made and authority granted by that Act for the purposes of maintaining the essential level of activity to protect life and property and bring about orderly termination of government functions are hereby ratified and approved if otherwise in accord with the provisions of that Act.

Approved October 27, 1986.

LEGISLATIVE HISTORY—H.J. Res. 754:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Oct. 17, considered and passed House and Senate.

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100 STAT. 3207

*Public Law 99-570
99th Congress

An Act

Oct. 27, 1986
[H.R. 5484]

To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Anti-Drug Abuse Act of 1986.
21 USC 801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Drug Abuse Act of 1986".

SEC. 2. ORGANIZATION OF ACT.

This Act is organized as follows:

TITLE I—ANTI-DRUG ENFORCEMENT

Subtitle A—Narcotics Penalties and Enforcement Act of 1986

Subtitle B—Drug Possession Penalty Act of 1986

Subtitle C—Juvenile Drug Trafficking Act of 1986

Subtitle D—Assets Forfeiture Amendments Act of 1986

Subtitle E—Controlled Substance Analogue Enforcement Act of 1986

Subtitle F—Continuing Drug Enterprise Act of 1986

Subtitle G—Controlled Substances Import and Export Act Penalties Enhancement Act of 1986

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*Note: This is a subsequently typeset print of the hand enrollment which was signed by the President on October 27, 1986.

Subtitle H—Money Laundering Control Act of 1986
Subtitle I—Armed Career Criminals
Subtitle J—Authorization of Appropriations for Drug Law Enforcement
Subtitle K—State and Local Narcotics Control Assistance
Subtitle L—Study on the Use of Existing Federal Buildings as Prisons
Subtitle M—Narcotics Traffickers Deportation Act
Subtitle N—Freedom of Information Act
Subtitle O—Prohibition on the Interstate Sale and Transportation of Drug Paraphernalia
Subtitle P—Manufacturing Operations
Subtitle Q—Controlled Substances Technical Amendments
Subtitle R—Precursor and Essential Chemical Review
Subtitle S—White House Conference for a Drug Free America
Subtitle T—Common Carrier Operation Under the Influence of Alcohol or Drugs
Subtitle U—Federal Drug Law Enforcement Agent Protection Act of 1986 100 STAT. 3207-1

TITLE II—INTERNATIONAL NARCOTICS CONTROL
TITLE III—INTERDICTION
Subtitle A—Department of Defense Drug Interdiction Assistance
Subtitle B—Customs Enforcement
Subtitle C—Maritime Drug Law Enforcement Prosecution Improvements Act of 1986
Subtitle D—Coast Guard
Subtitle E—United States Bahamas Drug Interdiction Task Force
Subtitle F—Command, Control, Communications, and Intelligence Centers
Subtitle G—Transportation Safety
Subtitle H—Department of Justice Funds for Drug Interdiction Operation in Hawaii
Subtitle I—Federal Communications Commission
TITLE IV—DEMAND REDUCTION
Subtitle A—Treatment and Rehabilitation
Subtitle B—Drug-Free Schools and Communities Act of 1986
Subtitle C—Indians and Alaska Natives
Subtitle D—Miscellaneous Provisions
TITLE V—UNITED STATES INSULAR AREAS AND NATIONAL PARKS
Subtitle A—Programs in United States Insular Areas
Subtitle B—National Park Service Program
TITLE VI—FEDERAL EMPLOYEE SUBSTANCE ABUSE EDUCATION AND TREATMENT
TITLE VII—NATIONAL ANTIDRUG REORGANIZATION AND COORDINATION
TITLE VIII—PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION
TITLE IX—DENIAL OF TRADE BENEFITS TO UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES
TITLE X—BALLISTIC KNIFE PROHIBITION
TITLE XI—HOMELESS ELIGIBILITY CLARIFICATION ACT
Subtitle A—Emergency Food for the Homeless
Subtitle B—Job Training for the Homeless
Subtitle C—Entitlements Eligibility

TITLE XII—COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

TITLE XIII—CYANIDE WRONGFUL USE

TITLE XIV—SENATE POLICY CONCERNING FUNDING

TITLE XV—NATIONAL FOREST SYSTEM DRUG CONTROL

21 USC 801 note.

SEC. 3. COMPLIANCE WITH BUDGET ACT.

100 STAT. 3207-2

2 USC 651.

2 USC 622.

Notwithstanding any other provision of this Act, any spending authority and any credit authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts. For purposes of this Act, the term "spending authority" has the meaning provided in section 401(c)(2) of the Congressional Budget Act of 1974 and the term "credit authority" has the meaning provided in section 3(10) of the Congresssional Budget Act of 1974.

TITLE I—ANTI-DRUG ENFORCEMENT

Subtitle A—Narcotics Penalties and Enforcement Act of 1986

Narcotics Penalties and Enforcement Act of 1986.
21 USC 801 note.

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "Narcotics Penalties and Enforcement Act of 1986".

SEC. 1002. CONTROLLED SUBSTANCES ACT PENALTIES.

Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking out subparagraphs (A) and (B) and inserting the following in lieu thereof:

"(1)(A) In the case of a violation of subsection (a) of this section involving—

"(i) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

"(ii) 5 kilograms or more of a mixture or substance containing a detectable amount of—

"(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substance referred to in subclauses (I) through (III);";

"(iii) 50 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

"(iv) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(v) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(vi) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide; or

"(vii) 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $4,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or

100 STAT. 3207-3

both. If any person commits such a violation after one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $8,000,000 if the defendant is an individual or $20,000,000 if the defendant is other than an individual, or both. Any sentence under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

"(B) In the case of a violation of subsection (a) of this section involving—

"(i) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

"(ii) 500 grams or more of a mixture or substance containing a detectable amount of—

"(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substance referred to in subclauses (I) through (III);";

"(iii) 5 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

"(iv) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(vi) 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 10 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide; or

"(vii) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

such person shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of

100 STAT. 3207-4

title 18, United States Code, or $2,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or

21 USC 951.

other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $4,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Any sentence imposed under this subparagraph shall, in the absence of such a prior conviction, include a term of supervised release of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, include a term of supervised release of at least 8 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

"(C) In the case of a controlled substance in schedule I or II except as provided in subparagraphs (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $2,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this subparagraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.".

100 STAT. 3207-5

SEC. 1003. OTHER AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) Section 401 of the Controlled Substances Act (21 U.S.C. 841) is further amended as follows:

(1) In subsection (b), paragraph (1)(D), as redesignated, is amended by—

(A) striking out "a fine of not more than $50,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $250,000 if the defendant is an individual or $1,000,000 if the defendant is other than an individual";

(B) striking out "a fine of not more than $100,000" and inserting in lieu thereof "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,000,000 if the defendant is other than an individual"; and

(C) inserting "except in the case of 100 or more marihuana plants regardless of weight," after "marihuana," the first place it appears.

(2) In subsection (b), paragraph (2) is amended by striking out "a fine of not more than $25,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $250,000 if the defendant is an individual or $1,000,000 if the defendant is other than an individual", and by striking out "a fine of not more than $50,000" and inserting in lieu thereof "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,000,000 if the defendant is other than an individual".

(3) In subsection (b), paragraph (3) is amended by striking out "a fine of not more than $10,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $100,000 if the defendant is an individual or $250,000 if the defendant is other than an individual", and by striking out "a fine of not more than $20,000" and inserting in lieu thereof "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $200,000 if the defendant is an individual or $500,000 if the defendant is other than an individual".

(4) In subsection (b), paragraph (4) is amended by striking out "1(C)" and inserting "1(D)" in lieu thereof.

(5) In subsection (b), paragraph (5) is amended to read as follows:

"(5) Any person who violates subsection (a) of this section by cultivating a controlled substance on Federal property shall be imprisoned as provided in this subsection and shall be fined any amount not to exceed—

"(A) the amount authorized in accordance with this section;

"(B) the amount authorized in accordance with the provisions of title 18, United States Code;

"(C) $500,000 if the defendant is an individual; or

"(D) $1,000,000 if the defendant is other than an individual; or both.".

100 STAT. 3207-6

(6) Subsection (d) is amended by striking out "a fine of not more than $15,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $250,000 if the defendant is an individual or $1,000,000 if the defendant is other than an individual".

(b) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by inserting the following new paragraph after paragraph (24):

"(25) The term 'serious bodily injury' means bodily injury which involves—

"(A) a substantial risk of death;

"(B) protracted and obvious disfigurement; or

"(C) protracted loss or impairment of the function of a bodily member, organ, or mental faculty."; and

(2) by renumbering the following paragraphs accordingly.

SEC. 1004. ELIMINATION OF SPECIAL PAROLE TERMS.

21 USC 801 note.
21 USC 951 note.

(a) The Controlled Substances Act and the Controlled Substances Import and Export Act are amended by striking out "special parole term" each place it appears and inserting "term of supervised release" in lieu thereof.

21 USC 841 note.

(b) The amendments made by this section shall take effect on the date of the taking effect of section 3583 of title 18, United States Code.

SEC. 1005. AMENDMENT TO THE COMPREHENSIVE CRIME CONTROL ACT OF 1984.

21 USC 841.

(a) Subsection (a) of section 224 of the Comprehensive Crime Control Act of 1984 is amended—

(1) by inserting "and" after the semicolon in paragraph (4); and

(2) by striking out paragraphs (1), (2), (3), and (5) and redesignating the other paragraphs accordingly.

(b) Section 224 of the Comprehensive Crime Control Act of 1984 is amended—

21 USC 845, 848.

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

21 USC 960, 962.

(c) Section 225 of the Comprehensive Crime Control Act of 1984 is amended to read as follows:

"Sec. 225. Section 1515 of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended by repealing subsection (c).".

SEC. 1006. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a)(1) Subsection (a) of section 3583 of title 18, United States Code, is amended by inserting ", except that the court shall include as a part of the sentence a requirement that the defendant be placed on a term of supervised release if such a term is required by statute" after "imprisonment" the second place it appears.

(2) Subsection (b) of section 3583 of title 18, United States Code, is amended by striking out "The" and inserting in lieu thereof "Except as otherwise provided, the".

(3) Subsection (e) of section 3583 of title 18, United States Code, is amended—

(A) so that the catchline reads as follows: "Modification of conditions or revocation.";

100 STAT. 3207-7

(B) in paragraph (2) by striking out "or" after the semicolon;

(C) in paragraph (3) by striking out "title." and inserting "title; or" in lieu thereof; and

(D) by inserting the following new paragraph after paragraph (3):

"(4) revoke a term of supervised release, and require the person to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision, if it finds by a preponderance of the evidence that the person violated a condition of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation and to the provisions of applicable policy statements issued by the Sentencing Commission.".

18 USC app.

18 USC 3583 note.

(4) The amendments made by this subsection shall take effect on the date of the taking effect of section 3583 of title 18, United States Code.

(b) Paragraph (3) of section 994(a) of title 28, United States Code, is amended by inserting "and revocation of supervised release" after "supervised release".

(c) Section 511 of title II of the Comprehensive Drug Abuse Prevention Act of 1978 (21 U.S.C. 881) is amended—

(1) in subsection (f) by inserting "or II" after "I" each place it appears;

(2) by redesignating subsection (f) as subsection (f)(1); and

(3) by inserting the following new paragraph after subsection (f)(1) as so redesignated:

"(2) The Attorney General may direct the destruction of all controlled substances in schedule I or II seized for violation of this title under such circumstances as the Attorney General may deem necessary.".

SEC. 1007. AMENDMENT TO TITLE 18 OF THE UNITED STATES CODE.

(a) Section 3553 of title 18, United States Code, is amended by adding the following at the end thereof:

"(e) LIMITED AUTHORITY TO IMPOSE A SENTENCE BELOW A STATUTORY MINIMUM.—Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense. Such sentence shall be imposed in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code.".

Effective date. 18 USC 3553 note.

(b) The amendment made by this section shall take effect on the date of the taking effect of section 3553 of title 18, United States Code.

SEC. 1008. AMENDMENT TO TITLE 28 OF THE UNITED STATES CODE.

Section 994 of title 28 of the United States Code is amended by—

(1) inserting the following after subsection (m):

"(n) The Commission shall assure that the guidelines reflect the general appropriateness of imposing a lower sentence than would otherwise be imposed, including a sentence that is lower than that established by statute as minimum sentence, to take into account a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense."; and

100 STAT. 3207-8

(2) redesignating subsections (n), (o), (p), (q), (r), (s), (t), (u), (v), and (w) as subsections (o), (p), (q), (r), (s), (t), (u), (v), (w), and (x), respectively.

SEC. 1009. AMENDMENT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE.

18 USC app.

(a) Rule 35(b) of the Federal Rules of Criminal Procedure is amended by striking out "to the extent" and all that follows through the end and inserting in lieu thereof the following: "in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code. The court's authority to lower a sentence under this subdivision includes the authority to lower such sentence to a level below that established by statute as a minimum sentence.

Effective date. 18 USC app.

(b) The amendment made by this section shall take effect on the date of the taking effect of rule 35(b) of the Federal Rules of Criminal Procedure, as amended by section 215(b) of the Comprehensive Crime Control Act of 1984.

Subtitle B—Drug Possession Penalty Act of 1986

Drug Possession Penalty Act of 1986. 21 USC 801 note.

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Drug Possession Penalty Act of 1986".

SEC. 1052. PENALTY FOR SIMPLE POSSESSION.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended to read as follows:

"PENALTY FOR SIMPLE POSSESSION

"SEC. 404. (a) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this title or title III. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of $1,000 but not more than $5,000, or both, except that if he commits such offense after a prior conviction under this title or

21 USC 951.

title III, or a prior conviction for any drug or narcotic offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of $2,500 but not more than $10,000, except, further, that if he commits such offense after two or more prior convictions under this title or title III, or two or more prior convictions for any drug or narcotic offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of $5,000 but not more than $25,000. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, United States Code, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

100 STAT. 3207-9

"(b)(1) If any person who has not previously been convicted of violating subsection (a) of this section, any other provision of this subchapter or subchapter II of this chapter, or any other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, is found guilty of a violation of subsection (a) of this section after trial or upon a plea of guilty, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of his probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the Department of Justice solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under this part for second or subsequent convictions) or for any other purpose. Discharge and dismissal under this section may occur only once with respect to any person.

"(2) Upon the discharge of such person and dismissal of the proceedings against him under paragraph (1) of this subsection, such person, if he was not over twenty-one years of age at the time of the offense, may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained by the Department of Justice under paragraph (1)) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after hearing, that such person was dismissed and the proceedings against him discharged and that he was not over twenty-one years of age at the time of the offense, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him for any purpose.

"(c) As used in this section, the term 'drug or narcotic offense' means any offense which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any substance the possession of which is prohibited under this title.".

Subtitle C—Juvenile Drug Trafficking Act of 1986

Juvenile Drug Trafficking Act of 1986.
21 USC 801 note.

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Juvenile Drug Trafficking Act of 1986".

SEC. 1102. OFFENSE.

Part D of the Controlled Substances Act is amended by adding after section 405A a new section as follows:

Post, p. 3207-11.

"EMPLOYMENT OR USE OF PERSONS UNDER 18 YEARS OF AGE IN DRUG OPERATIONS

"SEC. 405B. (a) It shall be unlawful for any person at least eighteen years of age to knowingly and intentionally—

21 USC 845b.

"(1) employ, hire, use, persuade, induce, entice, or coerce, a person under eighteen years of age to violate any provision of this title or title III; or

21 USC 951.

"(2) employ, hire, use, persuade, induce, entice, or coerce, a person under eighteen years of age to assist in avoiding detection or apprehension for any offense of this title or title III by any Federal, State, or local law enforcement official.

"(b) Any person who violates subsection (a) is punishable by a term of imprisonment up to twice that otherwise authorized, or up to twice the fine otherwise authorized, or both, and at least twice any term of supervised release otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year.

Penalties.

"(c) Any person who violates subsection (a) after a prior conviction or convictions under subsection (a) of this section have become final, is punishable by a term of imprisonment up to three times that otherwise authorized, or up to three times the fine otherwise authorized, or both, and at least three times any term of supervised release otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year.

"(d) Any person who violates section 405B(a) (1) or (2)

"(1) by knowingly providing or distributing a controlled substance or a controlled substance analogue to any person under eighteen years of age; or

"(2) if the person employed, hired, or used is fourteen years of age or younger,

shall be subject to a term of imprisonment for not more than five years or a fine of not more than $50,000, or both, in addition to any other punishment authorized by this section.

"(e) In any case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18, United States Code, until the individual has served the mandatory term of imprisonment required by section 401(b) as enhanced by this section.

100 STAT. 3207-11

"(f) Except as authorized by this title, it shall be unlawful for any person to knowingly or intentionally provide or distribute any controlled substance to a pregnant individual in violation of any provision of this title. Any person who violates this subsection shall be subject to the provisions of subsections (b), (c), and (e).".

SEC. 1103. TECHNICAL AMENDMENTS.

(a) Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by striking out "or 405A" and inserting in lieu thereof ", 405A, or 405B".

Infra; ante, p. 3207-10.

(b) Section 401(c) of the Controlled Substances Act (21 U.S.C. 841(c)) is amended by striking out "405A" each place it appears and inserting in lieu thereof ", 405A, or 405B".

SEC. 1104. MANUFACTURING A CONTROLLED SUBSTANCE WITHIN 1,000 FEET OF A COLLEGE.

(a) Section 405A of the Controlled Substances Act (21 U.S.C. 845a) is amended by inserting "or manufacturing" after "distributing" wherever it appears and by striking out "a public or private elementary or secondary school" wherever it appears and inserting in lieu thereof "a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university".

(b) Section 405A(a) of the Controlled Substances Act (21 U.S.C. 845a(a)) is amended by striking out "involving the same controlled substance and schedule".

(c) Section 405A(b) of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by striking out "(1) by" and all that follows through the end and inserting the following in lieu thereof:

Supra.

> "(1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) a term of imprisonment of up to three times that authorized by section 401(b) of this title for a first offense, or a fine up to three times that authorized by section 401(b) of this title for a first offense, or both, and (2) at least three times any term of supervised release authorized by section 401(b) of this title for a first offense.".

SEC. 1105. IMPRISONMENTS.

(a) Section 405(a) of the Controlled Substances Act (21 U.S.C. 845(a)) is amended by adding the following at the end thereof: "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than one year.".

(b) Section 405(b) of the Controlled Substances Act (21 U.S.C. 845(b)) is amended by adding the following at the end thereof: "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.".

(c) Section 405A(a) of the Controlled Substances Act (21 U.S.C. 845a(a)) is amended by adding the following at the end thereof: "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.".

100 STAT. 3207-12

Subtitle D—Assets Forfeiture Amendments Act of 1986

Department of Justice Assets Forfeiture Fund Amendments Act of 1986.
28 USC 1 note.

SEC. 1151. SHORT TITLE.

This subtitle may be cited as the "Department of Justice Assets Forfeiture Fund Amendments Act of 1986".

SEC. 1152. ASSET FORFEITURE FUNDS.

(a)(1) Department of Justice Assets Forfeiture Fund.—Subsection (c) of section 524 of title 28, United States Code, is amended—

(2) by inserting at the end of subparagraph (A) of paragraph (1) the following: "such payments may also include those, made pursuant to regulations promulgated by the Attorney General, that are necessary and direct program-related expenses for the purchase or lease of automatic data processing equipment (not less than 90 percent of which use will be program related), training, printing, contracting for services directly related to the processing of and accounting for forfeitures, and the storage, protection, and destruction of controlled substances;";

Contracts.

(3) by inserting after subparagraph (A) of paragraph (1) the following new subparagraph and renumbering the subsequent subparagraphs appropriately;

"(B) the payment of awards for information or assistance directly relating to violations of the criminal drug laws of the United States;";

(4) by amending newly designated subparagraph (F) of paragraph (1) to read as follows:

"(F) for equipping for drug law enforcement functions any government-owned or leased vessels, vehicles, and aircraft available for official use by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service; and";

Transportation.

(5) by striking out in paragraph (4) "remaining after payment of expenses for forfeiture and sale authorized by law" and inserting in lieu thereof ", except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d)) of the Endangered Species Act (16 U.S.C 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))"; and

(6) by striking out paragraph (8) and renumbering paragraph (9) as paragraph (8).

(b) Customs Forfeiture Fund.—

(1) Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) as added by Public Law 98-473, is amended—

98 Stat. 1837.

(B) by amending paragraph (3) of subsection (a) to read as follows:

"(3) for equipping for law enforcement functions any government-owned or leased vessels, vehicles, and aircraft available for official use by the United States Customs Service; and"; and

Transportation.

(C) by striking out subsection (h).

(2) Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613b) as added by Public Law 98-573, is repealed.

19 USC 1654 note.

100 STAT. 3207-13

SEC. 1153. SUBSTITUTE ASSETS.

(a) Section 1963 of title 18 is amended by adding at the end thereof a new subsection, as follows:

"(n) If any of the property described in subsection (a), as a result of any act of omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).".

21 USC 853.

(b) Section 413 of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1975 is amended—

(1) by redesignating subsection "(p)" as subsection "(q)"; and

(2) by adding a new subsection (p) as follows:

"(p) If any of the property described in subsection (a), as a result of any act or omission of the defendant—

"(1) cannot be located upon the exercise of due diligence;

"(2) has been transferred or sold to, or deposited with, a third party;

"(3) has been placed beyond the jurisdiction of the court;

"(4) has been substantially diminished in value; or

"(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).".

Controlled Substance Analogue Enforcement Act of 1986.
21 USC 801 note.

Subtitle E—Controlled Substance Analogue Enforcement Act of 1986

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the "Controlled Substance Analogue Enforcement Act of 1986".

SEC. 1202. TREATMENT OF CONTROLLED SUBSTANCE ANALOGUES.

Part B of the Controlled Substances Act is amended by adding at the end the following new section:

"TREATMENT OF CONTROLLED SUBSTANCE ANALOGUES

21 USC 813.
21 USC 951.

"SEC. 203. A controlled substance analogue shall, to the extent intended for human consumption, be treated, for the purposes of this title and title III as a controlled substance in schedule I.".

SEC. 1203. DEFINITION.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end thereof the following:

"(32)(A) Except as provided in subparagraph (B), the term 'controlled substance analogue' means a substance—

"(i) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II;

"(ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulent, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

"(iii) with respect to a particular person, which such person represents or intends to have a stimulent, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

"(B) Such term does not include—

"(i) a controlled substance;

"(ii) any substance for which there is an approved new drug application;

"(iii) with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person, under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to such substance is pursuant to such exemption; or

"(iv) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.".

SEC. 1204. CLERICAL AMENDMENT.

The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 202 the following new item:

"Sec. 203. Treatment of controlled substance analogues.".

Subtitle F—Continuing Drug Enterprise Act of 1986

Continuing Drug Enterprises Act of 1986.
21 USC 801 note.

SEC. 1251. SHORT TITLE.

This subtitle may be cited as the "Continuing Drug Enterprises Act of 1986".

SEC. 1252. INCREASED PENALTIES.

Section 408(a) of the Controlled Substances Act (21 U.S.C. 848(a)) is amended—

(1) by striking out "to a fine of not more than $100,000," and inserting in lieu thereof "to a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $2,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual,"; and

(2) by striking out "to a fine of not more than $200,000," and inserting in lieu thereof "to a fine not to exceed the greater of twice the amount authorized in accordance with the provisions of title 18, United States Code, or $4,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual,".

SEC. 1253. CONTINUING CRIMINAL ENTERPRISE ENHANCED PENALTIES.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is further amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(2) by inserting the following new subsection after subsection (a);

"(b) Any person who engages in a continuing criminal enterprise shall be imprisoned for life and fined in accordance with subsection (a), if—

"(1) such person is the principal administrator, organizer, or leader of the enterprise or is one of several such principal administrators, organizers, or leaders; and

"(2)(A) the violation referred to in subsection (d)(1) involved at least 300 times the quantity of a substance described in subsection 401(b)(1)(B) of this Act, or

21 USC 841.

"(B) the enterprise, or any other enterprise in which the defendant was the principal or one of several principal administrators, organizers, or leaders, received $10 million dollars in gross receipts during any twelve-month period of its existence for the manufacture, importation, or distribution of a substance described in section 401(b)(1)(B) of this Act."

Subtitle G—Controlled Substances Import and Export Act Penalties Enhancement Act of 1986

Controlled Substances Import and Export Penalties Enhancement Act of 1986.
21 USC 801 note.

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the "Controlled Substances Import and Export Penalties Enhancement Act of 1986.".

SEC. 1302. ENHANCED PENALTIES.

(a) Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking out paragraphs (1) and (2) and inserting the following in lieu thereof:

"(1) In the case of a violation of subsection (a) of this section involving—

"(A) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

"(B) 5 kilograms or more of a mixture or substance containing a detectable amount of—

"(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(ii) cocaine, its salts, optical and geometric isomers, and salts or isomers;

"(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);

"(C) 50 grams or more of a mixture or substance described in subparagraph (B) which contains cocaine base;

"(D) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(E) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(F) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide; or

100 STAT. 3207-16

"(G) 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

the person committing such violation shall be sentenced to a term of imprisonment of not less than 10 years and not more than life and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than 20 years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $4,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $8,000,000 if the defendant is an individual or $20,000,000 if the defendant is other than an individual, or both. Any sentence under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.

"(2) In the case of a violation of subsection (a) of this section involving—

"(A) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

"(B) 500 grams or more of a mixture or substance containing a detectable amount of—

"(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(ii) cocaine, its salts, optical and geometric isomers, and salts or isomers;

"(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);

"(C) 5 grams or more of a mixture or substance described in subparagraph (B) which contains cocaine base;

"(D) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(E) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(F) 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 10 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide; or

"(G) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

the person committing such violation shall be sentenced to a term of imprisonment of not less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $2,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $4,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Any sentence imposed under this paragraph shall, in the absence of such a prior conviction, include a term of supervised release of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, include a term of supervised release of at least 8 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.

"(3) In the case of a violation under subsection (a) of this section involving a controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1), (2), and (4), be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this title or title II or other law of a State, the United States or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $2,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding the prior sentence, and notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this paragraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.".

Ante, p. 3207-15.

(b) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)), as redesignated, is amended—

(1) by striking out ", except as provided in paragraph (4)";

(2) by striking out "fined not more than $50,000" and inserting in lieu thereof "fined not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $250,000 if the defendant is an individual or $1,000,000 if the defendant is other than an individual"; and

(3) by inserting "except in the case of 100 or more marihuana plants regardless of weight," after "marihuana,".

Subtitle H—Money Laundering Control Act of 1986

Money Laundering Control Act of 1986.
18 USC 981 note.

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "Money Laundering Control Act of 1986".

SEC. 1352. NEW OFFENSE FOR LAUNDERING OF MONETARY INSTRUMENTS.

(a) Chapter 95 of title 18, United States Code, is amended by adding at the end thereof the following:

18 USC 1956.

"§ 1956. Laundering of monetary instruments

"(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

"(A) with the intent to promote the carrying on of specified unlawful activity; or

"(B) knowing that the transaction is designed in whole or in part—

"(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

"(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than $500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

"(2) Whoever transports or attempts to transport a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—

"(A) with the intent to promote the carrying on of specified unlawful activity; or

"(B) knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part—

"(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

"(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of $500,000 or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or imprisonment for not more than twenty years, or both.

"(b) Whoever conducts or attempts to conduct a transaction described in subsection (a)(1), or a transportation described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of—

"(1) the value of the property, funds, or monetary instruments involved in the transaction; or

"(2) $10,000.

"(c) As used in this section—

"(1) the term 'knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity' means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State or Federal law, regardless of whether or not such activity is specified in paragraph (7);

"(2) the term 'conducts' includes initiating, concluding, or participating in initiating, or concluding a transaction;

"(3) the term 'transaction' includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

"(4) the term 'financial transaction' means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects interstate or foreign commerce, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

"(5) the term 'monetary instruments' means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery;

"(6) the term 'financial institution' has the definition given that term in section 5312(a)(2) of title 31, United States Code, and the regulations promulgated thereunder;

"(7) the term 'specified unlawful activity' means—

"(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under the Currency and Foreign Transactions Reporting Act;

18 USC 1961.

84 Stat. 1118.
31 USC 5311 note.

"(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving the manufacture, importation,

sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

21 USC 801 note.

"(C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848); or

18 USC 152.

"(D) an offense under section 152 (relating to concealment of assets; false oaths and claims; bribery), section 215 (relating to commissions or gifts for procuring loans), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 511 (relating to securities of States and private entities), section 543 (relating to smuggling goods into the United States), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 875 (relating to interstate communications), section 1201 (relating to kidnaping), section 1203 (relating to hostage taking), section 1344 (relating to bank fraud), or section 2113 or 2114 (relating to bank and postal robbery and theft) of this title, section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 2 (relating to criminal penalties) of the Export Administration Act of 1979 (50 U.S.C. App. 2401), section 203 (relating to criminal sanctions) of the International Emergency Economic Powers Act (50 U.S.C. 1702), or section 3 (relating to criminal violations) of the Trading with the Enemy Act (50 U.S.C. App. 3).

"(d) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

"(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(f) There is extraterritorial jurisdiction over the conduct prohibited by this section if—

"(1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and

"(2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding $10,000.

100 STAT. 3207-21

18 USC 1957.

"§ 1957. Engaging in monetary transactions in property derived from specified unlawful activity

"(a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than $10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

"(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is a fine under title 18, United States Code, or imprisonment for not more than ten years, or both.

"(2) The court may impose an alternate fine to that imposable under paragraph (1) of not more than twice the amount of the criminally derived property involved in the transaction.

"(c) In a prosecution for an offense under this section, the Government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity.

"(d) The circumstances referred to in subsection (a) are—

"(1) that the offense under this section takes place in the United States or in the special maritime and territorial jurisdiction of the United States; or

"(2) that the offense under this section takes place outside the United States and such special jurisdiction, but the defendant is a United States person (as defined in section 3077 of this title, but excluding the class described in paragraph (2)(D) of such section). 18 USC 3077.

"(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(f) As used in this section—

"(1) the term 'monetary transaction' means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined for the purposes of subchapter II of chapter 53 of title 31) by, through, or to a financial institution (as defined in section 5312 of title 31); 31 USC 5311 *et seq.*

"(2) the term 'criminally derived property' means any property constituting, or derived from, proceeds obtained from a criminal offense; and

"(3) the term 'specified unlawful activity' has the meaning given that term in section 1956 of this title.". 18 USC 1956.

(b) The table of sections at the beginning of chapter 95 of title 18 is amended by adding at the end the following new items:

"1956. Laundering of monetary instruments.
"1957. Engaging in monetary transactions in property derived from specified unlawful activity.".

SEC. 1353. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.

(a) CLARIFICATION OF RIGHT OF FINANCIAL INSTITUTIONS TO REPORT SUSPECTED VIOLATIONS.—Section 1103(c) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3403(c)) is amended by adding at the end thereof the following new sentences: "Such information may

100 STAT. 3207-22

include only the name or other identifying information concerning any individual or account involved in and the nature of any suspected illegal activity. Such information may be disclosed notwithstanding any constitution, law, or regulation of any State or political subdivision thereof to the contrary. Any financial institution, or officer, employee, or agent thereof, making a disclosure of information pursuant to this subsection, shall not be liable to the customer under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the customer of such disclosure.".

(b) Section 1113(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(i)) is amended by inserting immediately before the period at the end thereof a comma and the following: "except that a court shall have authority to order a financial institution, on which a grand jury subpoena for customer records has been served, not to notify the customer of the existence of the subpoena or information that has been furnished to the grand jury, under the circumstances and for the period specified and pursuant to the procedures established in section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409)".

SEC. 1354. STRUCTURING TRANSACTIONS TO EVADE REPORTING REQUIREMENTS PROHIBITED.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code (relating to records and reports on monetary instruments transactions) is amended by adding at the end thereof the following new section:

31 USC 5324.

"§ 5324. Structuring transactions to evade reporting requirement prohibited

31 USC 5313.

"No person shall for the purpose of evading the reporting requirements of section 5313(a) with respect to such transaction—

"(1) cause or attempt to cause a domestic financial institution to fail to file a report required under section 5313(a);

"(2) cause or attempt to cause a domestic financial institution to file a report required under section 5313(a) that contains a material omission or misstatement of fact; or

"(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with one or more domestic financial institutions.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"5324. Structuring transactions to evade reporting requirement prohibited.".

SEC. 1355. SEIZURE AND CIVIL FORFEITURE OF MONETARY INSTRUMENTS AND RELATED PROVISIONS.

(a) CUSTOMS AUTHORITY TO CONDUCT SEARCHES AT BORDER.—Section 5317(b) of title 31, United States Code, is amended to read as follows:

31 USC 5316.

"(b) SEARCHES AT BORDER.—For purposes of ensuring compliance with the requirements of section 5316, a customs officer may stop and search, at the border and without a search warrant, any vehicle, vessel, aircraft, or other conveyance, any envelope or other container, and any person entering or departing from the United States.".

100 STAT. 3207-23

(b) FAILURE TO REPORT EXPORT OR IMPORT OF MONETARY INSTRUMENT.—The first sentence of section 5317(c) of title 31, United States Code (relating to seizure and forfeiture of monetary instruments in foreign commerce) is amended to read as follows: "If a report required under section 5316 with respect to any monetary instrument is not filed (or if filed, contains a material omission or misstatement of fact), the instrument and any interest in property, including a deposit in a financial institution, traceable to such instrument may be seized and forfeited to the United States Government.".

31 USC 5316.

SEC. 1356. COMPLIANCE AUTHORITY FOR SECRETARY OF THE TREASURY AND RELATED MATTERS.

(a) SUMMONS POWER.—Section 5318 of title 31, United States Code, is amended—

(1) by inserting "(a) GENERAL POWERS OF SECRETARY.—" before "The Secretary of the Treasury";

(2) in paragraph (1), by inserting "except as provided in subsection (b)(2)," before "delegate";

(3) by striking out "and" at the end of paragraph (2);

(4) by inserting after paragraph (2) the following new paragraphs:

"(3) examine any books, papers, records, or other data of domestic financial institutions relevant to the recordkeeping or reporting requirements of this subchapter;

"(4) summon a financial institution, an officer or employee of a financial institution (including a former officer or employee), or any person having possession, custody, or care of the reports and records required under this subchapter, to appear before the Secretary of the Treasury or his delegate at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation described in subsection (b); and";

(5) by redesignating paragraph (3) as paragraph (5); and

(6) by adding at the end the following new subsections:

"(b) LIMITATIONS ON SUMMONS POWER.—

"(1) SCOPE OF POWER.—The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a) only in connection with investigations for the purpose of civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91-508 (12 U.S.C. 1951 et seq.) or any regulation under any such provision.

12 USC 1829b.
12 USC 1730d.

"(2) AUTHORITY TO ISSUE.—A summons may be issued under subsection (a)(4) only by, or with the approval of, the Secretary of the Treasury or a supervisory level delegate of the Secretary of the Treasury.

"(c) ADMINISTRATIVE ASPECTS OF SUMMONS.—

"(1) PRODUCTION AT DESIGNATED SITE.—A summons issued pursuant to this section may require that books, papers, records, or other data stored or maintained at any place be produced at any designated location in any State or in any territory or other place subject to the jurisdiction of the United States not more than 500 miles distant from any place where the financial institution operates or conducts business in the United States.

"(2) FEES AND TRAVEL EXPENSES.—Persons summoned under this section shall be paid the same fees and mileage for travel in the United States that are paid witnesses in the courts of the United States.

"(3) NO LIABILITY FOR EXPENSES.—The United States shall not be liable for any expense, other than an expense described in paragraph (2), incurred in connection with the production of books, papers, records, or other data under this section.

"(d) SERVICE OF SUMMONS.—Service of a summons issued under this section may be by registered mail or in such other manner calculated to give actual notice as the Secretary may prescribe by regulation.

"(e) CONTUMACY OR REFUSAL.—

"(1) REFERRAL TO ATTORNEY GENERAL.—In case of contumacy by a person issued a summons under paragraph (3) or (4) of subsection (a) or a refusal by such person to obey such summons, the Secretary of the Treasury shall refer the matter to the Attorney General.

"(2) JURISDICTION OF COURT.—The Attorney General may invoke the aid of any court of the United States within the jurisdiction of which—

"(A) the investigation which gave rise to the summons is being or has been carried on;

"(B) the person summoned is an inhabitant; or

"(C) the person summoned carries on business or may be found,

to compel compliance with the summons.

"(3) COURT ORDER.—The court may issue an order requiring the person summoned to appear before the Secretary or his delegate to produce books, papers, records, and other data, to give testimony as may be necessary to explain how such material was compiled and maintained, and to pay the costs of the proceeding.

"(4) FAILURE TO COMPLY WITH ORDER.—Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(5) SERVICE OF PROCESS.—All process in any case under this subsection may be served in any judicial district in which such person may be found.".

(b) AMENDMENT RELATING TO EXEMPTIONS GRANTED FOR MONETARY TRANSACTION REPORTING REQUIREMENTS.—Section 5318 of title 31, United States Code, is amended by adding after subsection (e) (as added by subsection (a) of this section) the following new subsection:

"(f) WRITTEN AND SIGNED STATEMENT REQUIRED.—No person shall qualify for an exemption under subsection (a)(5) unless the relevant financial institution prepares and maintains a statement which—

"(1) describes in detail the reasons why such person is qualified for such exemption; and

"(2) contains the signature of such person.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 5321 and 5322 of title 31, United States Code, are each amended by striking out "5318(2)" each place such term appears and inserting in lieu thereof "5318(a)(2)".

Ante, p. 3207-23.

(2) The heading of section 5318 of title 31, United States Code, is amended to read as follows:

"§ 5318. Compliance, exemptions, and summons authority".

(d) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by striking out the item relating to section 5318 and inserting in lieu thereof the following:

"5318. Compliance, exemptions, and summons authority.".

SEC. 1357. PENALTY PROVISIONS.

(a) CIVIL MONEY PENALTY FOR STRUCTURED TRANSACTION VIOLATION.—Section 5321(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) STRUCTURED TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who willfully violates any provision of section 5324.

31 USC 5324.

"(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed the amount of the coins and currency (or such other monetary instruments as the Secretary may prescribe) involved in the transaction with respect to which such penalty is imposed.

"(C) COORDINATION WITH FORFEITURE PROVISION.—The amount of any civil money penalty imposed by the Secretary under subparagraph (A) shall be reduced by the amount of any forfeiture to the United States under section 5317(d) in connection with the transaction with respect to which such penalty is imposed.".

(b) INCREASE IN AMOUNT OF PENALTY FOR FINANCIAL INSTITUTIONS.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by striking out "$10,000" and inserting in lieu thereof "the greater of the amount (not to exceed $100,000) involved in the transaction or $25,000"; and

(2) by striking out "section 5315" each place such term appears and inserting in lieu thereof "sections 5314 and 5315".

(c) SEPARATE CIVIL MONEY PENALTY FOR VIOLATION OF SECTION 5314.—Section 5321(a) of title 31, United States Code, is amended by inserting after paragraph (4) (as added by subsection (a) of this section) the following new paragraph:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who willfully violates any provision of section 5314.

"(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed—

"(i) in the case of violation of such section involving a transaction, the greater of—

"(I) the amount (not to exceed $100,000) of the transaction; or

"(II) $25,000; and

(ii) in the case of violation of such section involving a failure to report the existence of an account or any identifying information required to be provided with respect to such account, the greater of—

"(I) an amount (not to exceed $100,000) equal to the balance in the account at the time of the violation; or

"(II) $25,000.".

(d) SEPARATE CIVIL MONEY PENALTY FOR NEGLIGENT VIOLATION OF SUBCHAPTER.—Section 5321(a) of title 31, United States Code, is amended by inserting after paragraph (5) (as added by subsection (d) of this section) the following new paragraph:

"(6) NEGLIGENCE.—The Secretary of the Treasury may impose a civil money penalty of not more than $500 on any financial institution which negligently violates any provision of this subchapter or any regulation prescribed under this subchapter.".

(e) EXTENSION OF TIME LIMITATIONS FOR ASSESSMENT OF CIVIL PENALTY.—Section 5321(b) of title 31, United States Code, is amended to read as follows:

"(b) TIME LIMITATIONS FOR ASSESSMENTS AND COMMENCEMENT OF CIVIL ACTIONS.—

"(1) ASSESSMENTS.—The Secretary of the Treasury may assess a civil penalty under subsection (a) at any time before the end of the 6-year period beginning on the date of the transaction with respect to which the penalty is assessed.

"(2) CIVIL ACTIONS.—The Secretary may commence a civil action to recover a civil penalty assessed under subsection (a) at any time before the end of the 2-year period beginning on the later of—

"(A) the date the penalty was assessed; or

"(B) the date any judgment becomes final in any criminal action under section 5322 in connection with the same transaction with respect to which the penalty is assessed.".

(f) CLARIFICATION OF RELATIONSHIP BETWEEN CIVIL PENALTY AND CRIMINAL PENALTY.—Section 5321 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) CRIMINAL PENALTY NOT EXCLUSIVE OF CIVIL PENALTY.—A civil money penalty may be imposed under subsection (a) with respect to any violation of this subchapter notwithstanding the fact that a criminal penalty is imposed with respect to the same violation.".

(g) AMENDMENTS TO CRIMINAL PENALTY FOR CERTAIN OFFENSES.—Section 5322(b) of title 31, United States Code, is amended—

(1) by striking out "illegal activity involving transactions of" and inserting in lieu thereof "any illegal activity involving"; and

(2) by striking out "5 years" and inserting in lieu thereof "10 years".

(h) CONFORMING AMENDMENT.—Section 5321(c) of title 31, United States Code, is amended by striking out "section 5317(b)" and inserting in lieu thereof "subsection (c) or (d) of section 5317".

31 USC 5316.

SEC. 1358. MONETARY TRANSACTION REPORTING AMENDMENTS.

(a) CLOSELY RELATED EVENTS.—Section 5316 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) CUMULATION OF CLOSELY RELATED EVENTS.—The Secretary of the Treasury may prescribe regulations under this section defining the term 'at one time' for purposes of subsection (a). Such regulations may permit the cumulation of closely related events in order that such events may collectively be considered to occur at one time for the purposes of subsection (a).".

(b) Inchoate offense.—Section 5316(a)(1) of title 31, United States Code, is amended—

(1) by striking out "or attempts to transport or have transported,", and

100 STAT. 3207-27

(2) by inserting ", is about to transport," after "transports".

(c) Technical and Conforming Amendment.—Section 5316(a)(2) of title 31, United States Code, is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

SEC. 1359. BANKING REGULATORY AGENCY SUPERVISION OF RECORDKEEPING SYSTEMS.

(a) Insured Banks.—

(1) In general.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end thereof the following new subsection:

"(s) Compliance With Monetary Transaction Recordkeeping and Report Requirements.—

"(1) Compliance procedures required.—Each appropriate Federal banking agency shall prescribe regulations requiring insured banks to establish and maintain procedures reasonably designed to assure and monitor the compliance of such banks with the requirements of subchapter II of chapter 53 of title 31, United States Code.

31 USC 5311 *et seq.*

"(2) Examinations of bank to include review of compliance procedures.—

"(A) In general.—Each examination of an insured bank by the appropriate Federal banking agency shall include a review of the procedures required to be established and maintained under paragraph (1).

"(B) Exam report requirement.—The report of examination shall describe any problem with the procedures maintained by the insured bank.

"(3) Order to comply with requirements.—If the appropriate Federal banking agency determines that an insured bank—

"(A) has failed to establish and maintain the procedures described in paragraph (1); or

"(B) has failed to correct any problem with the procedures maintained by such bank which was previously reported to the bank by such agency,

the agency shall issue an order in the manner prescribed in subsection (b) or (c) requiring such bank to cease and desist from its violation of this subsection or regulations prescribed under this subsection.".

(2) Civil money penalties for failure to maintain compliance procedures.—Section 8(i)(2)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)(i)) is amended by striking out "subsection (b) or (c)" and inserting in lieu thereof "subsection (b), (c), or (s)".

(b) Institutions Regulated by the Bank Board.—

(1) In general.—Section 5(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)) is amended by adding at the end thereof the following new paragraph:

"(16) Compliance With Monetary Transaction Recordkeeping and Report Requirements.—

Regulations.

"(A) Compliance procedures required.—The Board shall prescribe regulations requiring associations to establish and maintain procedures reasonably designed to assure and monitor the compliance of such associations with the requirements of subchapter II of chapter 53 of title 31, United States Code.

31 USC 5311 *et seq.*

"(B) Examinations of associations to include review of compliance procedures.—

"(i) In general.—Each examination of an association by the Board shall include a review of the procedures required to be established and maintained under subparagraph (A).

"(ii) Exam report requirement.—The report of examination shall describe any problem with the procedures maintained by the association.

"(C) Order to comply with requirements.—If the Board determines that an association—

"(i) has failed to establish and maintain the procedures described in subparagraph (A); or

"(ii) has failed to correct any problem with the procedures maintained by such association which was previously reported to the association by the Board,

the Board shall issue an order in the manner prescribed in paragraph (2) or (3) requiring such association to cease and desist from its violation of this paragraph or regulations prescribed under this paragraph.".

(2) Civil money penalties for failure to maintain compliance procedures.—Section 5(d)(8)(B)(i) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)(8)(B)(i)) is amended by striking out "paragraph (2) or (3)" and inserting in lieu thereof "paragraph (2), (3), or (16)".

(c) Insured Thrift Institutions.—

(1) In general.—Section 407 of the National Housing Act (12 U.S.C. 1730) is amended by adding at the end thereof the following new subsection:

"(s) Compliance With Monetary Transaction Recordkeeping and Report Requirements.—

Regulations.

"(1) Compliance procedures required.—The Corporation shall prescribe regulations requiring insured institutions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such institutions with the requirements of subchapter II of chapter 53 of title 31, United States Code.

31 USC 5311 *et seq.*

"(2) Examinations of institutions to include review of compliance procedures.—

"(A) In general.—Each examination of an insured institution by the Corporation shall include a review of the procedures required to be established and maintained under paragraph (1).

"(B) Exam report requirement.—The report of examination shall describe any problem with the procedures maintained by the insured institution.

"(3) Order to comply with requirements.—If the Corporation determines that an insured institution—

"(A) has failed to establish and maintain the procedures described in paragraph (1); or

"(B) has failed to correct any problem with the procedures maintained by such institution which was previously reported to the institution by the Corporation,

the Corporation shall issue an order in the manner prescribed in subsection (e) or (f) requiring such institution to cease and desist from its violation of this subsection or regulations prescribed under this subsection.".

100 STAT. 3207-29

(2) Civil money penalties for failure to maintain compliance procedures.—Section 407(k)(3)(A) of the National Housing Act (12 U.S.C. 1730(k)(3)(A)) is amended by striking out "subsection (e) or (f) of this section shall forefit" and inserting in lieu thereof "subsection (e), (f), or (s) of this section shall forfeit".

(d) Insured Credit Unions.—

(1) In general.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end thereof the following new subsection:

"(q) Compliance With Monetary Transaction Recordkeeping and Report Requirements.—

Regulations.

"(1) Compliance procedures required.—The Board shall prescribe regulations requiring insured credit unions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such credit unions with the requirements of subchapter II of chapter 53 of title 31, United States Code.

31 USC 5331 *et seq.*

"(2) Examinations of credit unions to include review of compliance procedures.—

"(A) In general.—Each examination of an insured credit union by the Board shall include a review of the procedures required to be established and maintained under paragraph (1).

"(B) Exam report requirement.—The report of examination shall describe any problem with the procedures maintained by the credit union.

"(3) Order to comply with requirements.—If the Board determines that an insured credit union—

"(A) has failed to establish and maintain the procedures described in paragraph (1); or

"(B) has failed to correct any problem with the procedures maintained by such credit union which was previously reported to the credit union by the Board,

the Board shall issue an order in the manner prescribed in subsection (e) or (f) requiring such credit union to cease and desist from its violation of this subsection or regulations prescribed under this subsection.".

(2) Civil money penalties for failure to maintain compliance procedures.—Section 206(k)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1786(k)(2)(A)) (as in effect on September 1, 1986) is amended by striking out "subsection (e) or (f)" and inserting in lieu thereof "subsection (e), (f), or (q)".

SEC. 1360. CHANGE IN BANK CONTROL ACT AMENDMENTS.

(a) Additional Review Time.—

(1) Initial extension at discretion of agency.—The first sentence of section 7(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(1)) is amended by striking out "or extending up to another thirty days" and inserting in lieu thereof "or, in the discretion of the agency, extending for an additional 30 days".

(2) Additional extensions in case of incomplete or inaccurate notice or to continue investigation.—The second sentence of section 7(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(1)) is amended to read as follows: "The period for disapproval under the preceding sentence may be extended not to exceed 2 additional times for not more than 45 days each time if—

100 STAT. 3207-30

"(A) the agency determines that any acquiring party has not furnished all the information required under paragraph (6);

"(B) in the agency's judgment, any material information submitted is substantially inaccurate;

"(C) the agency has been unable to complete the investigation of an acquiring party under paragraph (2)(B) because of any delay caused by, or the inadequate cooperation of, such acquiring party; or

"(D) the agency determines that additional time is needed to investigate and determine that no acquiring party has a record of failing to comply with the requirements of subchapter II of chapter 53 of title 31, United States Code.".

31 USC 5331 *et seq.*

(b) Duty to Investigate Applicants for Change in Control Approval.—Section 7(j)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(2)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "(2)(A) NOTICE TO STATE AGENCY.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) INVESTIGATION OF PRINCIPALS REQUIRED.—Upon receiving any notice under this subsection, the appropriate Federal banking agency shall—

"(i) conduct an investigation of the competence, experience, integrity, and financial ability of each person named in a notice of a proposed acquisition as a person by whom or for whom such acquisition is to be made; and

"(ii) make an independent determination of the accuracy and completeness of any information described in paragraph (6) with respect to such person.

"(C) REPORT.—The appropriate Federal banking agency shall prepare a written report of any investigation under subparagraph (B) which shall contain, at a minimum, a summary of the results of such investigation. The agency shall retain such written report as a record of the agency.".

(c) PUBLIC COMMENT ON CHANGE OF CONTROL NOTICES.—Section 7(j)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(2)) is amended by adding after subparagraph (C) (as added by subsection (b) of this section) the following new subparagraph:

"(D) PUBLIC COMMENT.—Upon receiving notice of a proposed acquisition, the appropriate Federal banking agency shall, within a reasonable period of time—

"(i) publish the name of the insured bank proposed to be acquired and the name of each person identified in such notice as a person by whom or for whom such acquisition is to be made; and

"(ii) solicit public comment on such proposed acquisition, particularly from persons in the geographic area where the bank proposed to be acquired is located, before final consideration of such notice by the agency,

unless the agency determines in writing that such disclosure or solicitation would seriously threaten the safety or soundness of such bank.".

(d) INVESTIGATIONS AND ENFORCEMENT.—Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended— 100 STAT. 3207-31

(1) by redesignating paragraphs (15) and (16) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (14) the following new paragraph:

"(15) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—

"(A) INVESTIGATIONS.—The appropriate Federal banking agency may exercise any authority vested in such agency under section 8(n) in the course of conducting any investigation under paragraph (2)(B) or any other investigation which the agency, in its discretion, determines is necessary to determine whether any person has filed inaccurate, incomplete, or misleading information under this subsection or otherwise is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection.

12 USC 1818.

"(B) ENFORCEMENT.—Whenever it appears to the appropriate Federal banking agency that any person is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection, the agency may, in its discretion, apply to the appropriate district court of the United States or the United States court of any territory for—

"(i) a temporary or permanent injunction or restraining order enjoining such person from violating this subsection or any regulation prescribed under this subsection; or

"(ii) such other equitable relief as may be necessary to prevent any such violation (including divestiture).

"(C) JURISDICTION.—

"(i) The district courts of the United States and the United States courts in any territory shall have the same jurisdiction and power in connection with any exercise of any authority by the appropriate Federal banking agency under subparagraph (A) as such courts have under section 8(n).

"(ii) The district courts of the United States and the United States courts of any territory shall have jurisdiction and power to issue any injunction or restraining order or grant any equitable relief described in subparagraph (B). When appropriate, any injunction, order, or other equitable relief granted under this paragraph shall be granted without requiring the posting of any bond.".

SEC. 1361. CHANGE IN SAVINGS AND LOAN CONTROL ACT AMENDMENTS.

(a) ADDITIONAL REVIEW TIME.—

(1) INITIAL EXTENSION AT DISCRETION OF AGENCY.—The first sentence of section 407(q)(1) of the National Housing Act (12 U.S.C. 1730(q)(1)) is amended by striking out "or extending up to another thirty days" and inserting in lieu thereof "or, in the discretion of the Corporation, extending for an additional 30 days".

(2) ADDITIONAL EXTENSIONS IN CASE OF INCOMPLETE OR INACCURATE NOTICE OR TO CONTINUE INVESTIGATION.—The second sentence of section 407(q)(1) of the National Housing Act (12 U.S.C. 1730(q)(1)) is amended to read as follows: "The period for disapproval under the preceding sentence may be extended not to exceed 2 additional times for not more than 45 days each time if—

"(A) the Corporation determines that any acquiring party has not furnished all the information required under paragraph (6);

"(B) in the Corporation's judgment, any material information submitted is substantially inaccurate;

"(C) the Corporation has been unable to complete the investigation of an acquiring party under paragraph (2)(B) because of any delay caused by, or the inadequate cooperation of, such acquiring party; or

"(D) the Corporation determines that additional time is needed to investigate and determine that no acquiring party has a record of failing to comply with the requirements of subchapter II of chapter 53 of title 31, United States Code.".

31 USC 5331 *et seq.*

(b) DUTY TO INVESTIGATE APPLICANTS FOR CHANGE IN CONTROL APPROVAL.—Section 407(q)(2) of the National Housing Act (12 U.S.C. 1730(q)(2)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "(2)(A) NOTICE TO STATE AGENCY.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) INVESTIGATION OF PRINCIPALS REQUIRED.—Upon receiving any notice under this subsection, the Corporation shall—

"(i) conduct an investigation of the competence, experience, integrity, and financial ability of each person named in a notice of a proposed acquisition as a person by whom or for whom such acquisition is to be made; and

"(ii) make an independent determination of the accuracy and completeness of any information described in paragraph (6) with respect to such person.

"(C) REPORT.—The Corporation shall prepare a written report of any investigation under subparagraph (B) which shall contain, at a minimum, a summary of the results of such investigation. The Corporation shall retain such written report as a record of the Corporation.".

(c) Public Comment on Change of Control Notices.—Section 407(q)(2) of the National Housing Act (12 U.S.C. 1730(q)(2)) is amended by adding after subparagraph (C) (as added by subsection (b) of this section) the following new subparagraph:

"(D) Public Comment.—Upon receiving notice of a proposed acquisition, the Corporation shall, within a reasonable period of time—

"(i) publish the name of the insured institution proposed to be acquired and the name of each person identified in such notice as a person by whom or for whom such acquisition is to be made; and

"(ii) solicit public comment on such proposed acquisition, particularly from persons in the geographic area where the institution proposed to be acquired is located, before final consideration of such notice by the Corporation,

unless the Corporation determines in writing that such disclosure or solicitation would seriously threaten the safety or soundness of such institution.".

(d) Investigations and Enforcement.—Section 407(q) of the National Housing Act (12 U.S.C. 1730(q)) is amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (17) and (18), respectively; and

(2) by inserting after paragraph (15) the following new paragraph:

"(16) Investigative and Enforcement Authority.—

"(A) Investigations.—The Corporation may exercise any authority vested in the Corporation under paragraph (2) or (3) of subsection (m) in the course of conducting any investigation under paragraph (2)(B) or any other investigation which the Corporation, in its discretion, determines is necessary to determine whether any person has filed inaccurate, incomplete, or misleading information under this subsection or otherwise is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection.

"(B) Enforcement.—Whenever it appears to the Corporation that any person is violating, has violated, or is about to violate any provision of this subsection or any regulation prescribed under this subsection, the agency may, in its discretion, apply to the appropriate district court of the United States or the United States court of any territory for—

"(i) a temporary or permanent injunction or restraining order enjoining such person from violating this subsection or any regulation prescribed under this subsection; or

"(ii) such other equitable relief as may be necessary to prevent any such violation (including divestiture).

"(C) Jurisdiction.—

"(i) The district courts of the United States and the United States courts in any territory shall have the same jurisdiction and power in connection with any exercise of any authority by the Corporation under subparagraph (A) as such courts have under paragraph (2) or (3) of subsection (m).

"(ii) The district courts of the United States and the United States courts of any territory shall have jurisdiction and power to issue any injunction or restraining order or grant any equitable relief described in subparagraph (B). When appropriate, any injunction, order, or other equitable relief under this paragraph shall be granted without requiring the posting of any bond.".

SEC. 1362. AMENDMENTS TO DEFINITIONS.

(a) United States Agencies Includes the Postal Service.—Section 5312(a)(2)(U) of title 31, United States Code (defining financial institutions) (as redesignated by subsection (a)) is amended by inserting before the semicolon at the end the following: ", including the United States Postal Service".

(b) UNITED STATES INCLUDES CERTAIN TERRITORIES AND POSSESSIONS.—Section 5312(a)(5) of title 31, United States Code, is amended by inserting "the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands," after "Puerto Rico".

31 USC 5315 note.

SEC. 1363. INTERNATIONAL INFORMATION EXCHANGE SYSTEM; STUDY OF FOREIGN BRANCHES OF DOMESTIC INSTITUTIONS.

Banks and banking.

(a) DISCUSSIONS ON INTERNATIONAL INFORMATION EXCHANGE SYSTEM.—The Secretary of the Treasury, in consultation with the Board of Governors of the Federal Reserve System, shall initiate discussions with the central banks or other appropriate governmental authorities of other countries and propose that an information exchange system be established to assist the efforts of each

100 STAT. 3207-34

participating country to eliminate the international flow of money derived from illicit drug operations and other criminal activities.

(b) REPORT ON DISCUSSIONS REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall prepare and transmit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of discussions initiated pursuant to subsection (a).

(c) STUDY OF MONEY LAUNDERING THROUGH FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS REQUIRED.—The Secretary of the Treasury, in consultation with the Attorney General and the Board of Governors of the Federal Reserve System, shall conduct a study of—

(1) the extent to which foreign branches of domestic institutions are used—

(A) to facilitate illicit transfers of coins, currency, and other monetary instruments (as such term is defined in section 5312(a)(3) of title 31, United States Code) into and out of the United States; and

(B) to evade reporting requirements with respect to any transfer of coins, currency, and other monetary instruments (as so defined) into and out of the United States;

(2) the extent to which the law of the United States is applicable to the activities of such foreign branches; and

(3) methods for obtaining the cooperation of the country in which any such foreign branch is located for purposes of enforcing the law of the United States with respect to transfers, and reports on transfers, of such monetary instruments into and out of the United States.

(d) REPORT ON STUDY OF FOREIGN BRANCHES REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall prepare and transmit a report to the Committee on Banking, Finance and Urban Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate on the results of the study conducted pursuant to subsection (c).

SEC. 1364. EFFECTIVE DATES.

31 USC 5324 note.

(a) The amendment made by section 1354 shall apply with respect to transactions for the payment, receipt, or transfer of United States coins or currency or other monetary instruments completed after the end of the 3-month period beginning on the date of the enactment of this Act.

31 USC 5317 note.

(b) The amendments made by sections 1355(b) and 1357(a) shall apply with respect to violations committed after the end of the 3-month period beginning on the date of the enactment of this Act.

(c) The amendments made by section 1357 (other than subsection (a) of such section) shall apply with respect to violations committed after the date of the enactment of this Act. 31 USC 5321 note.

(d) Any regulation prescribed under the amendments made by section 1358 shall apply with respect to transactions completed after the effective date of such regulation. 31 USC 5316 note.

(e) The regulations required to be prescribed under the amendments made by section 1359 shall take effect at the end of the 3-month period beginning on the date of the enactment of this Act. 12 USC 1464 note.

(f) The amendments made by sections 1360 and 1361 shall apply with respect to notices of proposed acquisitions filed after the date of the enactment of this Act. 12 USC 1730 note.

SEC. 1365. PREDICATE OFFENSES.

(a) Subsection (b) of section 1952 of title 18, United States Code, is amended by striking out "or" before "(2)", and by striking out the period at the end thereof and inserting in lieu thereof the following: ", or (3) any act which is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title.". 31 USC 5331 *et seq.*

(b) Subsection (l) of section 1961 of title 18, United States Code, is amended by inserting "section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)," after "section 1955 (relating to the prohibition of illegal gambling businesses),".

(c) Subsection (l) of section 2516 of title 18, United States Code, is amended in paragraph (c) by inserting "section 1956 (laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)," after "section 1955 (prohibition of relating to business enterprises of gambling),".

SEC. 1366. FORFEITURE.

(a) Title 18 of the United States Code is amended by adding after chapter 45 a new chapter 46 as follows:

"CHAPTER 46—FORFEITURE

"Sec.
"981. Civil Forfeiture.
"982. Criminal Forfeiture.

"§ 981. Civil forfeiture

18 USC 981.

"(a)(1) Except as provided in paragraph (2), the following property is subject to forfeiture to the United States:

"(A) Any property, real or personal, which represents the gross receipts a person obtains, directly or indirectly, as a result of a violation of section 1956 or 1957 of this title, or which is traceable to such gross receipts.

"(B) Any property within the jurisdiction of the United States, which represents the proceeds of an offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act), within whose jurisdiction such offense or activity would be punishable by death or imprisonment for a term exceeding one year and which would be punishable by imprisonment for a term exceeding one year if such act or activity had occurred within the jurisdiction of the United States. 21 USC 801 note.

"(C) Any coin and currency (or other monetary instrument as the Secretary of the Treasury may prescribe) or any interest in other property, including any deposit in a financial institution, traceable to such coin or currency involved in a transaction or attempted transaction in violation of section 5313(a) or 5324 of title 31 may be seized and forfeited to the United States Government. No property or interest in property shall be seized or

100 STAT. 3207-36

forfeited if the violation is by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission or a partner, director, officer, or employee thereof.

"(2) No property shall be forfeited under this section to the extent of the interest of an owner or lienholder by reason of any act or emission established by that owner or lienholder to have been committed without the knowledge of that owner or lienholder.

"(b) Any property subject to forfeiture to the United States under subsection (a)(1)(A) or (a)(1)(B) of this section may be seized by the Attorney General or, with respect to property involved in a violation of section 1956 or 1957 of this title investigated by the Secretary of the Treasury, may be seized by the Secretary of the Treasury, and any property subject to forfeiture under subsection (a)(1)(C) of this section may be seized by the Secretary of the Treasury, in each case upon process issued pursuant to the Supplemental Rules for certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—

"(1) the seizure is pursuant to a lawful arrest or search; or

18 USC app.

"(2) the Attorney General or the Secretary of the Treasury, as the case may be, has obtained a warrant for such seizure pursuant to the Federal Rules of Criminal Procedure, in which event proceedings under subsection (d) of this section shall be instituted promptly.

"(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General or the Secretary of the Treasury, as the case may be, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under this subsection, the Attorney General or the Secretary of the Treasury, as the case may be, may—

"(1) place the property under seal;

"(2) remove the property to a place designated by him; or

"(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

"(d) For purposes of this section, the provisions of the customs laws relating to the seizure, summary and judicial forfeiture, condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale of this section, the remission or mitigation of such forfeitures, and the compromise of claims (19 U.S.C. 1602 et seq.), insofar as they are applicable and not inconsistent with the provisions of this section, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General or the Secretary of the Treasury, as the case may be.

"(e) Notwithstanding any other provision of the law, except section 3 of the Anti Drug Abuse Act of 1986, the Attorney General or the Secretary of the Treasury, as the case may be, is authorized to retain property forfeited pursuant to this section, or to transfer such

100 STAT. 3207-37

property on such terms and conditions as he may determine to—

"(1) any other Federal agency; or

"(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.

State and local governments.

The Attorney General or the Secretary of the Treasury, as the case may be, shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any

such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General or the Secretary of the Treasury pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency. The Attorney General or the Secretary of the Treasury may order the discontinuance of any forfeiture proceedings under this section in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this section, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials.

"(f) All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

"(g) The filing of an indictment or information alleging a violation of law which is also related to a forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the forfeiture proceeding.

"(h) In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.

"(i) In the case of property subject to forfeiture under subsection (a)(1)(B), the following additional provisions shall, to the extent provided by treaty, apply:

"(1) Notwithstanding any other provision of law, except section 3 of the Anti Drug Abuse Act of 1986, whenever property is civilly or criminally forfeited under the Controlled Substances Act, the Attorney General may, with the concurrence of the 21 USC 801 note. Secretary of State, equitably transfer any conveyance, currency, and any other type of personal property which the Attorney General may designate by regulation for equitable transfer, or any amounts realized by the United States from the sale of any real or personal property forfeited under the Controlled 100 STAT. 3207-38 Substances Act to an appropriate foreign country to reflect 21 USC 801 note. generally the contribution of any such foreign country participating directly or indirectly in any acts which led to the seizure or forfeiture of such property. Such property when forfeited pursuant to subsection (a)(1)(B) of this section may also be transferred to a foreign country pursuant to a treaty providing for the transfer of forfeited property to such foreign country. A decision by the Attorney General pursuant to this paragraph shall not be subject to review. The foreign country shall, in the event of a transfer of property or proceeds of sale of property under this subchapter, bear all expenses incurred by the United States in the seizure, maintenance, inventory, storage, forfeiture, and disposition of the property, and all transfer costs. The payment of all such expenses, and the transfer of assets pursuant to this paragraph, shall be upon such terms and conditions as the Attorney General may, in his discretion, set. Transfers may be made under this subsection during a fiscal year to a country that is subject to paragraph (1)(A) of section 481(h) of the Foreign Assistance Act of 1961 (relating to restrictions on United States assistance) only if there is a certification in effect with respect to that country for that fiscal year under paragraph (2) of that section.

22 USC 2291.

"(2) The provisions of this section shall not be construed as limiting or superseding any other authority of the United States to provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including property which is sought as evidence of a crime committed in the foreign country.

"(3) A certified order or judgment of forfeiture by a court of competent jurisdiction of a foreign country concerning property which is the subject of forfeiture under this section and was determined by such court to be the type of property described in subsection (a)(1)(B) of this section, and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of forfeiture, shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of forfeiture, when admitted into evidence, shall constitute probable cause that the property forfeited by such order or judgment of forfeiture is subject to forfeiture under this section and creates a rebuttable presumption of the forfeitability of such property under this section.

"(4) A certified order or judgment of conviction by a court of competent jurisdiction of a foreign country concerning an unlawful drug activity which gives rise to forfeiture under this section and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of conviction shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of conviction, when admitted into evidence, creates a rebuttable presumption that the unlawful drug activity giving rise to forfeiture under this section has occurred.

"(5) The provisions of paragraphs (3) and (4) of this subsection shall not be construed as limiting the admissibility of any evidence otherwise admissible, nor shall they limit the ability of the United States to establish probable cause that property is subject to forfeiture by any evidence otherwise admissible.

100 STAT. 3207-39

"(j) For purposes of this section—

"(1) the term 'Attorney General' means the Attorney General or his delegate; and

"(2) the term 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

18 USC 982.

"§ 982. Criminal forfeiture

Real property.

"(a) The court, in imposing sentence on a person convicted of an offense under section 1956 or 1957 of this title shall order that the person forfeit to the United States any property, real or personal, which represents the gross receipts the person obtained, directly or indirectly, as a result of such offense, or which is traceable to such gross receipts.

"(b) The provisions of subsections 413 (c) and (e) through (o) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (c) and (e)—(o)) shall apply to property subject to forfeiture under this section, to any seizure or disposition thereof, and to any administrative or judicial proceeding in relation thereto, if not inconsistent with this section.".

(b) The chapter analysis of part I of title 18, United States Code, is amended by inserting after the item for chapter 45 the following:

"46. Forfeiture .... 981".

18 USC 981 note.

SEC. 1367. SEVERABILITY CLAUSE.

If any provision of this subtitle or any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the provisions of every other part, and their application, shall not be affected thereby.

Subtitle I—Armed Career Criminals

Career Criminals Amendment Act of 1986.
18 USC 921 note.

SEC. 1401. SHORT TITLE.

This subtitle may be cited as the "Career Criminals Amendment Act of 1986".

SEC. 1402. EXPANSION OF PREDICATE OFFENSES FOR ARMED CAREER CRIMINAL PENALTIES.

(a) In General.—Section 924(e)(1) of title 18, United States Code, is amended by striking out "for robbery or burglary, or both," and inserting in lieu thereof "for a violent felony or a serious drug offense, or both,".

(b) Definitions.—Section 924(e)(2) of title 18, United States Code, is amended by striking out subparagraph (A) and all that follows through subparagraph (B) and inserting in lieu thereof the following:

"(A) the term 'serious drug offense' means—

"(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the first section or section 3 of Public Law 96-350 (21 U.S.C. 955a et seq.), for which a maximum term of imprisonment of ten years or more is prescribed by law; or

"(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), for which a maximum term of imprisonment of ten years or more is prescribed by law; and

"(B) the term 'violent felony' means any crime punishable by imprisonment for a term exceeding one year that—

"(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

"(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another.".

Subtitle J—Authorization of Appropriation for Drug Law Enforcement

Drug Enforcement Enhancement Act of 1986.

SEC. 1451. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Drug Enforcement Administration, $60,000,000; except, that notwithstanding section 1345 of title 31, United States Code, funds made available to the Department of Justice for the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expenses of State, county, and local officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.

(b) The Drug Enforcement Administration of the Department of Justice is hereby authorized to plan, construct, renovate, maintain, remodel and repair buildings and purchase equipment incident thereto for an All Source Intelligence Center, but the existing El Paso Intelligence Center shall remain in Texas."

(c) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Federal Prison System, $124,500,000, of which $96,500,000 shall be for the construction of Federal penal and correctional institutions and $28,000,000 shall be for salaries and expenses.

(d) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Defender Services, $18,000,000.

(e) There is authorized to be appropriated for fiscal year 1987 for the Judiciary for Fees and Expenses of Jurors and Commissioners, $7,500,000.

(f) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Office of Justice Assistance, $2,000,000 to carry out a pilot prison capacity program.

(g) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for support of United States prisoners in non-Federal Institutions, $5,000,000.

(h) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the Offices of the United States Attorneys, $31,000,000.

(i) There is authorized to be appropriated for fiscal year 1987 for the Department of Justice for the United States Marshals Service, $17,000,000.

"(j) Authorizations of appropriations for fiscal year 1987 contained in this section are in addition to those amounts agreed to in the conference agreement reached on Title I of H.J. Res. 738."

Ante, p. 1783; *post*, p. 3341.

(k) In addition to any other amounts that may be authorized to be appropriated for fiscal year 1987, the following sums are authorized

100 STAT. 3207-41

to be appropriated to procure secure voice radios:

Federal Bureau of Investigation	$2,000,000
Secret Service	$5,000,000.

(l) This section may be cited as the "Drug Enforcement Enhancement Act of 1986".

State and Local Law Enforcement Assistance Act of 1986.
42 USC 3711 note.

Subtitle K—State and Local Narcotics Control Assistance

SEC. 1551. SHORT TITLE.

This subtitle may be cited as the "State and Local Law Enforcement Assistance Act of 1986".

SEC. 1552. BUREAU OF JUSTICE ASSISTANCE DRUG GRANT PROGRAMS.

(a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712 et seq.) is amended—

(1) by redesignating part M as part N,

42 USC 3797.

(2) by redesignating section 1301 as section 1401, and

(3) by inserting after part L the following new part:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"FUNCTION OF THE DIRECTOR

State and local governments.
42 USC 3796h.

"SEC. 1301. The Director shall provide funds to eligible States and units of local government pursuant to this part.

"DESCRIPTION OF DRUG LAW ENFORCEMENT GRANT PROGRAM

State and local governments.
42 USC 3796i.

"SEC. 1302. The Director is authorized to make grants to States, for the use of States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.), and to—

"(1) provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State and local laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons;

"(2) provide additional personnel, equipment, facilities (including upgraded and additional law enforcement crime laboratories), personnel training, and supplies for more widespread prosecution of persons accused of violating such State and local laws and to pay operating expenses in connection with such prosecution;

"(3) provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such State and local laws, to pay operating expenses in connection with such adjudication, and to provide quickly temporary facilities in which to conduct adjudications of such cases;

"(4) provide additional public correctional resources for the detention of persons convicted of violating State and local laws relating to the production, possession, or transfer of controlled substances, and to establish and improve treatment and rehabilitative counseling provided to drug dependent persons convicted of violating State and local laws;

"(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted;

"(6) provide programs which identify and meet the needs of drug-dependent offenders; and

"(7) conduct demonstration programs, in conjunction with local law enforcement officials, in areas in which there is a high incidence of drug abuse and drug trafficking to expedite the prosecution of major drug offenders by providing additional resources, such as investigators and prosecutors, to identify major drug offenders and move these offenders expeditiously through the judicial system.

"APPLICATIONS TO RECEIVE GRANTS

State and local governments.
42 USC 3796j.

"SEC. 1303. To request a grant under section 1302, the chief executive officer of a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

"(1) a statewide strategy for the enforcement of State and local laws relating to the production, possession, and transfer of controlled substances;

"(2) a certification that Federal funds made available under section 1302 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for drug law enforcement activities;

"(3) a certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for drug law enforcement by the recipients of grant funds;

"(4) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

"(5) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

Report.

Such strategy shall be prepared after consultation with State and local officials whose duty it is to enforce such laws. Such strategy shall include an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Director or to the State, as the case may be, a performance report concerning the activities carried out pursuant to section 1302 of this title.

"REVIEW OF APPLICATIONS

42 USC 3796k.

"SEC. 1304. (a) The Bureau shall provide financial assistance to each State applicant under section 1302 of this title to carry out the programs or projects submitted by such applicant upon determining that—

"(1) the application or amendment thereto is consistent with the requirements of this title; and

"(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with section 1303 of this title.

Each application or amendment made and submitted for approval to the Bureau pursuant to section 1303 shall be deemed approved, in whole or in part, by the Bureau not later than sixty days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

Grants.

"(b) Grant funds awarded under section 1302 of this title shall not be used for land acquisition or construction projects, other than penal and correctional institutions.

"(c) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

"ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

State and local governments.
42 USC 3796*l*.

"SEC. 1305. (a) Of the total amount appropriated for this part in any fiscal year, 80 per centum shall be set aside for section 1302 and allocated to States as follows:

"(1) $500,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

"(b)(1) Each State which receives funds under subsection (a) in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 1302 of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved.

"(3) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

100 STAT. 3207-44

Urban areas.
Rural areas.

"(d) If the Director determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 1302 of this title, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

"(e) Any funds allocated under subsection (a) that are not distributed under this section shall be available for obligation under section 1309 of this title.

"REPORTS

42 USC 3796m.

"Sec. 1306. (a) Each State which receives a grant under section 1302 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

"(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 1303 of this title;

"(2) a summary of the activities carried out in such year with any grant received under section 1309 of this title by such State; and

"(3) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

"(b) Not later than ninety days after the end of each fiscal year for which grants are made under section 1302 of this title, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

"(1) the aggregate amount of grants made under sections 1302 and 1309 of this title to such State for such fiscal year;

"(2) the amount of such grants expended for each of the purposes specified in section 1302; and

"(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a).

"EXPENDITURE OF GRANTS; RECORDS

Indians.
42 USC 3796n.

"Sec. 1307. (a) A grant made under section 1302 of this title may not be expended for more than 75 per centum of the cost of the identified uses, in the aggregate, for which such grant is received to carry out any purpose specified in section 1302, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 per centum of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

100 STAT. 3207–45 "(b) Not more than 10 per centum of a grant made under section 1302 of this title may be used for costs incurred to administer such grant.

"(c)(1) Each State which receives a grant under section 1302 of this title shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Director may require by rule to facilitate an effective audit.

State and local governments.

"(2) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and of units of local government which receive any part of a grant made under section 1302, if in the opinion of the Director or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

"STATE OFFICE

42 USC 3796o.

"Sec. 1308. (a) The chief executive of each participating State shall designate a State office for purposes of—

"(1) preparing an application to obtain funds under section 1302 of this title; and

"(2) administering funds received under such section from the Director, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

"DISCRETIONARY GRANTS

42 USC 3796p.

"Sec. 1309. The Director is authorized to make grants to public agencies and private nonprofit organizations for any purpose specified in section 1302 of this title. The Director shall have final authority over all grants awarded under this section.

"APPLICATION REQUIREMENTS

42 USC 3796q.

"Sec. 1310. (a) No grant may be made under section 1309 of this title unless an application has been submitted to the Director in which the applicant—

"(1) sets forth a program or project which is eligible for funding pursuant to section 1309 of this title; and

"(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out.

"(b) Each applicant for funds under section 1309 of this title shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Director.

"ALLOCATION OF FUNDS FOR DISCRETIONARY GRANTS

42 USC 3796r.

"Sec. 1311. Of the total amount appropriated for this part in any fiscal year, 20 per centum shall be reserved and set aside for section 1309 of this title in a special discretionary fund for use by the

100 STAT. 3207–46 Director in carrying out the purposes specified in section 1302 of this title. Grants under section 1309 may be made for amounts up to 100 per centum of the costs of the programs or projects contained in the approved application.

"LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

42 USC 3796s.

"Sec. 1312. Grant funds awarded under section 1309 of this title shall not be used for land acquisition or construction projects.".

(b)(1) Subsections (a) and (b) of section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741) are each amended by striking out "part E" and inserting in lieu thereof "parts E and M".

(2) Section 801(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782(b)) is amended by striking out "parts D and E" and inserting in lieu thereof "parts D, E, and M".

(3) Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by inserting "or M" after "part D".

(4) Section 808 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789) is amended by inserting "or 1308, as the case may be," after "section 408".

(5) The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking out the items relating to part M and section 1301, and inserting in lieu thereof the following new items:

"PART M—GRANTS FOR DRUG LAW ENFORCEMENT PROGRAMS

"Sec. 1301. Function of the Director.
"Sec. 1302. Description of drug law enforcement grant program.
"Sec. 1303. Applications to receive grants.
"Sec. 1304. Review of applications.
"Sec. 1305. Allocation and distribution of funds under formula grants.
"Sec. 1306. Reports.
"Sec. 1307. Expenditure of grants; records.
"Sec. 1308. State office.
"Sec. 1309. Discretionary grants.
"Sec. 1310. Application requirements.
"Sec. 1311. Allocation of funds for discretionary grants.
"Sec. 1312. Limitation on use of discretionary grant funds.

"PART N—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1401. Continuation of rules, authorities, and proceedings.".

(c) Section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking out "and L" and inserting in lieu thereof "L, and M",

(B) by redesignating paragraph (6) as paragraph (7), and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) There are authorized to be appropriated $230,000,000 for fiscal year 1987, $230,000,000 for fiscal year 1988, and $230,000,000 for fiscal year 1989, to carry out the programs under part M of this title."; and

(2) in subsection (b) by striking out "and E" and inserting in lieu thereof ", E, and M".

Subtitle L—Study on the Use of Existing Federal Buildings as Prisons

SEC. 1601. STUDY REQUIRED.

(a) Within 90 days of the date of enactment of this Act, the Secretary of Defense shall provide to the Attorney General—

(1) a list of all sites under the jurisdiction of the Department of Defense including facilities beyond the excess and surplus property inventories whose facilities or a portion thereof could be used, or are being used, as detention facilities for felons, especially those who are a Federal responsibility such as illegal alien felons and major narcotics traffickers;

(2) a statement of fact on how such facilities could be used as detention facilities with detailed descriptions on their actual daily percentage of use; their capacities or rated capacities; the time periods they could be utilized as detention facilities; the

cost of converting such facilities to detention facilities; and, the cost of maintaining them as such; and

(3) in consultation with the Attorney General, a statement showing how the Department of Defense and the Department of Justice would administer and provide staffing responsibilities to convert and maintain such detention facilities.

Report.

(b) Copies of the report and analysis required by subsection (a) shall be provided to the Congress.

Subtitle M—Narcotics Traffickers Deportation Act

SEC. 1751. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended—

(1) by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))"; and

(2) by striking out "any of the aforementioned drugs" and inserting in lieu thereof "any such controlled substance".

(b) Section 241(a)(11) of such Act (8 U.S.C. 1251(a)(11)) is amended by striking out "any law or regulation relating to" and all that follows through "addiction-sustaining opiate" and inserting in lieu thereof "any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

8 USC 1182 note.

(c) The amendments made by the subsections (a) and (b) of this section shall apply to convictions occurring before, on, or after the date of the enactment of this section, and the amendments made by subsection (a) shall apply to aliens entering the United States after the date of the enactment of this section.

(d) Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) In the case of an alien who is arrested by a Federal, State, or local law enforcement official for a violation of any law relating to controlled substances, if the official (or another official)—

100 STAT. 3207-48

"(1) has reason to believe that the alien may not have been lawfully admitted to the United States or otherwise is not lawfully present in the United States,

"(2) expeditiously informs an appropriate officer or employee of the Service authorized and designated by the Attorney General of the arrest and of facts concerning the status of the alien, and

"(3) requests the Service to determine promptly whether or not to issue a detainer to detain the alien, the officer or employee of the Service shall promptly determine whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General shall effectively and expeditiously take custody of the alien.".

8 USC 1103 note.

(e)(1) From the sums appropriated to carry out this Act, the Attorney General, through the Investigative Division of the Immigration and Naturalization Service, shall provide a pilot program in 4 cities to establish or improve the computer capabilities of the local offices of the Service and of local law enforcement agencies to respond to inquiries concerning aliens who have been arrested or convicted for, or are the subject to criminal investigation relating to, a violation of any law relating to controlled substances. The Attorney General shall select cities in a manner that provides special consideration for cities located near the land borders of the United States and for large cities which have major concentrations of aliens. Some of the sums made available under the pilot program shall be used to increase the personnel level of the Investigative Division.

Report.

(2) At the end of the first year of the pilot program, the Attorney General shall provide for an evaluation of the effectiveness of the program and shall report to Congress on such evaluation and on whether the pilot program should be extended or expanded.

Freedom of Information Reform Act of 1986.

Subtitle N—Freedom of Information Act

SEC. 1801. SHORT TITLE.

5 USC 552 note.

This subtitle may be cited as the "Freedom of Information Reform Act of 1986".

SEC. 1802. LAW ENFORCEMENT.

(a) Exemption.—Section 552(b)(7) of title 5, United States Code, is amended to read as follows:

State and local governments.

> "(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;".

100 STAT. 3207-49

(b) Exclusions.—Section 552 of title 5, United States Code, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f) respectively, and by inserting after subsection (b) the following new subsection:

"(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and—

> "(A) the investigation or proceeding involves a possible violation of criminal law; and
>
> "(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings,

the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

"(2) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

"(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.".

SEC. 1803. FEES AND FEE WAIVERS.

Paragraph (4)(A) of section 552(a) of title 5, United States Code, is amended to read as follows:

Regulations.

"(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.

"(ii) Such agency regulations shall provide that—

"(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

Research and development.

"(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

100 STAT. 3207-50

"(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.

"(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

"(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section—

"(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

"(II) for any request described in clause (ii) (II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

"(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed $250.

"(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

"(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo: *Provided*, That the court's review of the matter shall be limited to the record before the agency.".

5 USC 552 note.

SEC. 1804. EFFECTIVE DATES.

(a) The amendments made by section 1802 shall be effective on the date of enactment of this Act, and shall apply with respect to any requests for records, whether or not the request was made prior to such date, and shall apply to any civil action pending on such date.

(b)(1) The amendments made by section 1803 shall be effective 180 days after the date of enactment of this Act, except that regulations to implement such amendments shall be promulgated by such 180th day.

(2) The amendments made by section 1803 shall apply with respect to any requests for records, whether or not the request was made prior to such date, and shall apply to any civil action pending on such date, except that review charges applicable to records requested for commercial use shall not be applied by an agency to requests made before the effective date specified in paragraph (1) of this subsection or before the agency has finally issued its regulations.

100 STAT. 3207-51

Subtitle O—Prohibition on the Interstate Sale and Transportation of Drug Paraphernalia

Mail Order Drug Paraphernalia Control Act.

SEC. 1821. SHORT TITLE.

21 USC 801 note.

This subtitle may be cited as the "Mail Order Drug Paraphernalia Control Act".

SEC. 1822. OFFENSE.

21 USC 857.

(a) It is unlawful for any person—

(1) to make use of the services of the Postal Service or other interstate conveyance as part of a scheme to sell drug paraphernalia;

(2) to offer for sale and transportation in interstate or foreign commerce drug paraphernalia; or

(3) to import or export drug paraphernalia.

(b) Anyone convicted of an offense under subsection (a) of this section shall be imprisoned for not more than three years and fined not more than $100,000.

(c) Any drug paraphernalia involved in any violation of subsection (a) of this section shall be subject to seizure and forfeiture upon the conviction of a person for such violation. Any such paraphernalia shall be delivered to the Administrator of General Services, General Services Administration, who may order such paraphernalia destroyed or may authorize its use for law enforcement or educational purposes by Federal, State, or local authorities.

(d) The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act (title II of Public Law 91-513). It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, or amphetamines into the human body, such as—

21 USC 802.

(1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) water pipes;

(3) carburetion tubes and devices;

(4) smoking and carburetion masks;

(5) roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

(6) miniature spoons with level capacities of one-tenth cubic centimeter or less;

(7) chamber pipes;

(8) carburetor pipes;

(9) electric pipes;

(10) air-driven pipes;
(11) chillums;
(12) bongs;
(13) ice pipes or chillers;
(14) wired cigarette papers; or
(15) cocaine freebase kits.

(e) In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

(1) instructions, oral or written, provided with the item concerning its use;

(2) descriptive materials accompanying the item which explain or depict its use;

(3) national and local advertising concerning its use;

(4) the manner in which the item is displayed for sale;

(5) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(6) direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;

(7) the existence and scope of legitimate uses of the item in the community; and

(8) expert testimony concerning its use.

(f) This subtitle shall not apply to—

(1) any person authorized by local, State, or Federal law to manufacture, possess, or distribute such items; or

(2) any item that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and primarily intended for use with tobacco products, including any pipe, paper, or accessory.

21 USC 857 note.

SEC. 1823. EFFECTIVE DATE.

This subtitle shall become effective 90 days after the date of enactment of this Act.

Subtitle P—Manufacturing Operations

SEC. 1841. MANUFACTURING OPERATION.

(a) Part D of the Controlled Substances Act is amended by adding at the end thereof the following new section:

"ESTABLISHMENT OF MANUFACTURING OPERATIONS

21 USC 856.

"SEC. 416. (a) Except as authorized by this title, it shall be unlawful to—

"(1) knowingly open or maintain any place for the purpose of manufacturing, distributing, or using any controlled substance;

"(2) manage or control any building, room, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, and knowingly and intentionally rent, lease, or make available for use, with or without compensation, the building, room, or enclosure for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.

"(b) Any person who violates subsection (a) of this section shall be sentenced to a term of imprisonment of not more than 20 years or a fine of not more than $500,000, or both, or a fine of $2,000,000 for a person other than an individual.".

Ante, p. 3207-11.

(b) Section 405A of the Controlled Substances Act is amended—

(1) in subsection (a) by inserting after "section 401(a)(1)" the following: "or section 416"; and

(2) in subsection (b) by inserting after "section 401(a)(1)" the following: "or section 416".

Subtitle Q—Controlled Substances Technical Amendments

SEC. 1861. DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE AND AUTHORIZATIONS.

Drug and Alcohol Dependent Offenders Treatment Act of 1986.
18 USC 3661 note.

(a) Short Title.—This section may be cited as the "Drug and Alcohol Dependent Offenders Treatment Act of 1986".

(b) Permanent Amendment Relating to Duties of Director of Administrative Office.—(1) The section of title 18, United States Code, that is redesignated section 3672 by section 212(a) of the Comprehensive Crime Control Act of 1984 is amended by adding at the end thereof:

98 Stat. 1987.

Contracts.

> "He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, or an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol dependent person, addict, or drug dependent person by eliminating his dependence on alcohol or addicting drugs, or by controlling his dependence and his susceptibility to addiction. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).
>
> "He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under subsection (b) or (c) of section 3552, except for studies conducted by the Bureau of Prisons.".

18 USC 3552.

Effective date.
18 USC 3672 note.

(2) The amendment made by this section shall take effect on the date of the taking effect of such redesignation.

(c) Interim Amendment Relating to Duties of Director of Administrative Office.—The second paragraph of section 4255 of title 18, United States Code, is amended to read as follows:

Contracts.

"The Director of the Administrative Office of the United States Courts shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, or an addict or a drug-dependent person within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). Such authority includes the authority to provide equipment and supplies; testing; medical, educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol dependent person, addict, or drug dependent person by eliminating that person's or addict's dependence on alcohol or addicting drugs, or by controlling that person's or addict's dependence and susceptibility to addiction. Such Director may negotiate and award such contracts without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).".

18 USC 4255 note.

(d) Reauthorization of Contract Services.—Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Act of 1978 is amended—

100 STAT. 3207-54

(1) by striking out "and $6,000,000" and inserting "$6,500,000" in lieu thereof; and

(2) by striking out the two periods at the end and inserting in lieu thereof "; $12,000,000 for the fiscal year ending September 30, 1987; $14,000,000 for the fiscal year ending September 30, 1988; and $16,000,000 for the fiscal year ending September 30, 1989.".

SEC. 1862. AMENDMENT TO SECTION 608 OF THE TARIFF ACT.

(a) Section 608 of the Tariff Act of 1930 (19 U.S.C. 1608) is amended by striking out "$2,500" and inserting in lieu thereof "$5,000".

(b) Section 608 of such Act, as enacted by Public Law 98-473, is repealed.

SEC. 1863. AMENDMENTS TO SECTION 616 OF THE TARIFF ACT.

(a) Subsection (c) of section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a(c)) as enacted by Public Law 98-573 is amended by inserting "any other Federal agency or to" after "property forfeited under this Act to".

19 USC 1616.

(b) Section 616 of such Act, as enacted by Public Law 98-473, is repealed.

SEC. 1864. CROSS REFERENCE CORRECTIONS.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended—

(1) in subsection (c) and in the second subsection (h), by striking out "subsection (o)" and inserting "subsection (n)" in lieu thereof;

(2) in subsection (f) by striking out "subsection (f)" and inserting "subsection (e)" in lieu thereof;

(3) in subsection (i)(1), by striking out "this chapter" and inserting "this title" in lieu thereof; and

(4) by redesignating the second subsection (h) as subsection (k).

SEC. 1865. WARRANTS RELATING TO SEIZURE.

Subsection (b) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(b)) is amended—

(1) by striking out "or criminal" after "Any property subject to civil";

(2) in paragraph (4), by striking out "or criminal" after "is subject to civil"; and

(3) by adding the following at the end thereof:

"The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.".

18 USC app.

(b) Subsection (i) of section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(i)) is amended by inserting ", or a violation of State or local law that could have been charged under this title or title III," after "title III".

SEC. 1866. MINOR TECHNICAL AMENDMENTS.

(a) Section 403(a)(2) of the Controlled Substances Act (21 U.S.C. 843(a)(2)) is amended by striking out the period at the end and inserting a semicolon in lieu thereof.

(b) Section 405A(b) of the Controlled Substances Act (21 U.S.C. 845a(b)) is amended by striking out "special term" and inserting "term of supervised release" in lieu thereof.

(c) Section 405A(c) of the Controlled Substances Act (21 U.S.C. 845a(c)) is amended by striking out "section 4202" and inserting "chapter 311" in lieu thereof.

(d) Section 1008(e) of the Controlled Substances Import and Export Act (21 U.S.C. 958(e)) is amended by striking out "section" the first place it appears and inserting "sections" in lieu thereof.

(e) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended by striking out ", except as provided in paragraph (4)".

(f) The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended—

(1) by inserting after the item relating to section 405 the following:

"Sec. 405A. Manufacture or distribution in or near schools.
"Sec. 405B. Employment of minors in controlled substance trafficking.";

and

(2) by inserting after the item relating to section 414 the following:

"Sec. 415. Alternative fine.".

SEC. 1867. MODIFICATION OF COCAINE DEFINITION FOR PURPOSES OF SCHEDULE II.

Subsection (a)(4) of schedule II of section 202(c) the Controlled Substances Act (21 U.S.C. 812) is amended to read as follows:

"(4) Coca leaves (except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed); cocaine, its salts, optical and geometric isomers, and salts of isomers; and ecgonine, its derivatives, their salts, isomers, and salts of isomers.".

SEC. 1868. AUTHORITY OF ATTORNEY GENERAL TO ENTER INTO CONTRACTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this title.".

SEC. 1869. AUTHORITY OF ATTORNEY GENERAL TO DEPUTIZE STATE AND LOCAL LAW ENFORCEMENT OFFICERS FOR CONTROLLED SUBSTANCES ENFORCEMENT.

Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended—

(1) by inserting "(a)" before "Any officer or employee";

(2) by inserting after "Drug Enforcement Administration" the following: "or (with respect to offenses under this title or title III) any State or local law enforcement officer"; and 21 USC 802. 21 USC 951.

(3) by adding at the end thereof the following new subsection: 100 STAT. 3207-56

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

SEC. 1870. CLARIFICATION OF ISOMER DEFINITION.

The second and third sentences of section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)) are each amended by striking out "the" after "the term 'isomer' means" and inserting in lieu thereof "any".

Subtitle R—Precursor and Essential Chemical Review

SEC. 1901. PRECURSOR AND ESSENTIAL CHEMICAL REVIEW.

(a) Study and Report.—The Attorney General shall—

(1) conduct a study of the need for legislation, regulation, or alternative methods to control the diversion of legitimate precursor and essential chemicals to the illegal production of drugs of abuse; and

(2) report all findings of such study to Congress not later than the end of the 90th day after the date of enactment of this subtitle.

(b) CONSIDERATIONS.—In conducting such study the Attorney General shall take into consideration that—

(1) clandestine manufacture continues to be a major source of narcotic and dangerous drugs on the illegal drug market;

(2) these drugs are produced using a variety of chemicals which are found in commercial channels and which are diverted to illegal uses;

(3) steps have been taken to deny drug traffickers access to key precursor chemicals, including that—

(A) P2P, a precursor chemical used in the production of amphetamines and methamphetamines was administratively controlled in schedule II of the Controlled Substances by the Drug Enforcement Administration;

(B) a variety of controls were placed on piperidine, the precursor for phencyclidine, by the Psychotropic Substance Act of 1978; and

21 USC 801 note.

(C) the Drug Enforcement Administration has maintained a voluntary system in cooperation with chemical industry to report suspicious purchases of precursors and essential chemicals; and

(4) despite the formal and voluntary systems that currently exist, clandestine production of synthetic narcotics and dangerous drugs continue to contribute to drug trafficking and abuse problems in the United States.

White House Conference for a Drug Free America.
20 USC 4601 note.

Subtitle S—White House Conference for a Drug Free America

SEC. 1931. SHORT TITLE.

This subtitle may be cited as the "White House Conference for a Drug Free America"

20 USC 4601 note.

SEC. 1932. ESTABLISHMENT OF THE CONFERENCE.

100 STAT. 3207-57

There is established a conference to be known as "The White House Conference for a Drug Free America". The members of the Conference shall be appointed by the President.

20 USC 4601 note.

SEC. 1933. PURPOSE.

The purposes of the Conference are—

(1) to share information and experiences in order to vigorously and directly attack drug abuse at all levels, local, State, Federal, and international;

(2) to bring public attention to those approaches to drug abuse education and prevention which have been successful in curbing drug abuse and those methods of treatment which have enabled drug abusers to become drug free;

(3) to highlight the dimensions of the drug abuse crisis, to examine the progress made in dealing with such crisis, and to assist in formulating a national strategy to thwart sale and solicitation of illicit drugs and to prevent and treat drug abuse; and

(4) to examine the essential role of parents and family members in preventing the basic causes of drug abuse and in successful treatment efforts.

20 USC 4601 note.

SEC. 1934. RESPONSIBILITIES OF THE CONFERENCE.

The Conference shall specifically review—

(1) the effectiveness of law enforcement at the local, State, and Federal levels to prevent the sale and solicitation of illicit drugs and the need to provide greater coordination among such programs;

(2) the impact of drug abuse upon American education, examining in particular—

(A) the effectiveness of drug education programs in our schools with particular attention to those schools, both public and private, which have maintained a drug free learning environment;

(B) the role of colleges and universities in discouraging the illegal use of drugs by student-athletes; and

(C) the relationship between drug abuse by student-athletes and college athletic policies, including eligibility and academic requirements, recruiting policies, athletic department financing policies, the establishment of separate campus facilities for athletes, and the demands of practice and lengthy playing seasons;

(3) the extent to which Federal, State, and local programs of drug abuse education, prevention, and treatment require reorganization or reform in order to better use available resources and to ensure greater coordination among such programs;

(4) the impact of current laws on efforts to control international and domestic trafficking of illicit drugs;

(5) the extent to which the sanctions in section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291) have been, or should be, used in encouraging foreign states to comply with their international responsibilities respecting controlling substances; and

(6) the circumstances contributing to the initiation of illicit drug usage, with particular emphasis on the onset of drug use by youth.

SEC. 1935. CONFERENCE PARTICIPANTS.

20 USC 4601 note.

In order to carry out the purposes and responsibilities specified in sections 1933 and 1934, the Conference shall bring together individuals concerned with issues relating to drug abuse education, prevention, and treatment, and the production, trafficking, and distribution of illicit drugs. The President shall—

President of U.S.

(1) ensure the active participation in the Conference of the heads of appropriate executive and military departments, and agencies, including the Attorney General, the Secretary of Education, the Secretary of Health and Human Services, Secretary of Transportation, and the Director of ACTION;

(2) provide for the involvement in the Conference of other appropriate public officials, including Members of Congress, Governors of States, and Mayors of Cities;

(3) provide for the involvement in the Conference of private entities, especially parents' organizations, which have been active in the fight against drug abuse; and

(4) provide for the involvement in the Conference of individuals distinguished in medicine, law, drug abuse treatment and prevention, primary, secondary, and postsecondary education, and law enforcement.

SEC. 1936. ADMINISTRATIVE PROVISIONS.

20 USC 4601 note.

(a) All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as the President may consider advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 52 of such title relating to classification and General Schedule pay rates.

5 USC 5101 *et seq.*

(c) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

(d) Each participant in the Conference shall be responsible for the expenses of such participant in attending the Conference, and shall not be reimbursed for such expenses from amounts appropriated to carry out this subtitle.

20 USC 4601 note.

SEC. 1937. FINAL REPORT AND FOLLOW-UP ACTIONS.

(a) FINAL REPORT.—No later than six months after the effective date of this Act, the Conference shall prepare and transmit a final report to the President and to Congress, pursuant to sections 1933 and 1934. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement such recommendations.

(b) FOLLOW-UP ACTIONS.—The President shall report to the Congress annually, during the 3-year period following the submission of the final report of the Conference, on the status and implementation of the findings and recommendations of the Conference.

20 USC 4601 note.

SEC. 1938. AUTHORIZATION.

There are hereby authorized to be appropriated $2,000,000 for fiscal year 1988 for purposes of this subtitle.

Subtitle T—Common Carrier Operation Under the Influence of Alcohol or Drugs

SEC. 1971. OFFENSE.

(a) Part I of title 18, United States Code, is amended by inserting after chapter 17, the following:

"CHAPTER 17A—COMMON CARRIER OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

"Sec.
"341. Definitions.
"342. Operation of a common carrier under the influence of alcohol or drugs.
"343. Presumptions.

18 USC 341.

"§ 341. Definitions

"As used in this chapter, the term 'common carrier' means a rail carrier, a sleeping car carrier, a bus transporting passengers in interstate commerce, a water common carrier, and an air common carrier.

18 USC 342.

"§ 342. Operation of a common carrier under the influence of alcohol or drugs

"Whoever operates or directs the operation of a common carrier while under the influence of alcohol or drugs, shall be imprisoned not more than five years or fined not more than $10,000, or both.

18 USC 343.

"§ 343. Presumptions

"For purposes of this chapter—

"(1) an individual with a blood alcohol content of .10 or more shall be conclusively presumed to be under the influence of alcohol; and

"(2) an individual shall be conclusively presumed to be under the influence of drugs if the quantity of the drug in the system of the individual would be sufficient to impair the perception, mental processes, or motor functions of the average individual.".

(b) The table of chapters for part I of title 18, United States Code, is amended by adding after the item for chapter 17 the following:

"17A. Common Carrier Operation Under the Influence of Alcohol or Drugs

Subtitle U—Federal Drug Law Enforcement Agent Protection Act of 1986

Federal Drug Law Enforcement Agent Protection Act of 1986.
21 USC 801 note.

SEC. 1991. SHORT TITLE.

This subtitle may be cited as the "Federal Drug Law Enforcement Agent Protection Act of 1986".

SEC. 1992. AMENDMENT TO THE CONTROLLED SUBSTANCES ACT.

Subsection (e) of section 511 of the Controlled Substances Act (21 U.S.C. 881(e)) is amended by—

(1) inserting after "(e)" the following: "(1)";

(2) redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(3) striking out the matter of following subparagraph (D), as redesignated, and inserting in lieu thereof the following:

"(2)(A) The proceeds from any sale under subparagraph (B) of paragraph (1) and any moneys forfeited under this title shall be used to pay—

"(i) all property expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs; and

"(ii) awards of up to $100,000 to any individual who provides original information which leads to the arrest and conviction of a person who kills or kidnaps a Federal drug law enforcement agent.

Any award paid for information concerning the killing or kidnapping of a Federal drug law enforcement agent, as provided in clause (ii), shall be paid at the discretion of the Attorney General.

"(B) The Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28, United States Code, any amounts of such moneys and proceeds remaining after payment of the expenses provided in subparagraph (A).".

TITLE II—INTERNATIONAL NARCOTICS CONTROL

International Narcotics Control Act of 1986.
22 USC 2151 note.

SEC. 2001. SHORT TITLE.

This title may be cited as the "International Narcotics Control Act of 1986".

SEC. 2002. ADDITIONAL FUNDING FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE AND REGIONAL COOPERATION.

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)(1); authorizing appropriations for assistance for international narcotics control) is amended—

(1) by striking out "$57,529,000 for the fiscal year 1987" and inserting in lieu thereof "$75,445,000 for the fiscal year 1987"; and

(2) by adding at the end the following: "In addition to the amounts authorized by the preceding sentence, there are authorized to be appropriated to the President $45,000,000 for the fiscal year 1987 to carry out the purposes of section 481, except that funds may be appropriated pursuant to this additional authorization only if the President has submitted to the Congress a detailed plan for the expenditure of those funds, including a description of how regional cooperation on narcotics control matters would be promoted by the use of those funds. Of the funds authorized to be appropriated by the preceding sentence, not less that $10,000,000 shall be available only to provide helicopters or other aircraft to countries receiving assistance for fiscal year 1987 under this chapter. These funds shall be used primarily for aircraft which will be based in Latin America for use for narcotics control eradication and interdiction efforts throughout the region. These aircraft shall be used solely for narcotics control, eradication, and interdiction efforts.".

22 USC 2291.

100 STAT. 3207-61

SEC. 2003. AIRCRAFT PROVIDED TO FOREIGN COUNTRIES FOR NARCOTICS CONTROL PURPOSES: RETENTION OF TITLE AND RECORDS OF USE.

Chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to the international narcotics control assistance program) is amended by adding at the end the following new sections:

22 USC 2291c.

"SEC. 484. RETENTION OF TITLE TO AIRCRAFT.

"Any aircraft which, at any time after the enactment of this section, are made available to a foreign country under this chapter, or are made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis.

22 USC 2291d.

"SEC. 485. RECORDS OF AIRCRAFT USE.

"(a) REQUIREMENT TO MAINTAIN RECORDS.—The Secretary of State shall maintain detailed records on the use of any aircraft made available to a foreign country under this chapter, including aircraft made available before the enactment of this section.

"(b) CONGRESSIONAL ACCESS TO RECORDS.—The Secretary of State shall make the records maintained pursuant to subsection (a) available to the Congress upon a request of the Chairman of the Committee on Foreign Affairs of the House of Representatives or the Chairman of the Committee on Foreign Relations of the Senate.".

SEC. 2004. PILOT AND AIRCRAFT MAINTENANCE TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) EARMARKING OF FUNDS.—Not less than $2,000,000 of the funds made available for fiscal year 1987 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) shall be available only for education and training in the operation and maintenance of aircraft used in narcotics control interdiction and eradication efforts.

(b) RELATIONSHIP TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (22 U.S.C. 2291 et seq.; relating to international narcotics control).

(c) WAIVER OF SECTION 660.—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to police training).

SEC. 2005. RESTRICTIONS ON THE PROVISION OF UNITED STATES ASSISTANCE.

(a) RESTRICTIONS.—Section 481(h) of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2291.

"(h)(1) Subject to paragraph (2), for every major illicit drug producing country or major drug-transit country—

"(A) 50 percent of United States assistance allocated for such country notified to Congress in the report required under section 653(a) of this Act shall be withheld from obligation and expenditure; and

22 USC 2413.

"(B) on or after March 1, 1987, and on March 1 of each succeeding year, the Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of their respective institution to or for such country.

100 STAT. 3207-62

"(2)(A) The assistance withheld by paragraph (1)(A) may be obligated and expended and the provisions of paragraph (1)(B) shall not apply if the President determines, and so certifies to the Congress, at the time of the submission of the report required by subsection (e), that—

"(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing the laundering in that country of drug-related profits or drug-related monies; or

"(ii) for a country that would not otherwise qualify for certification under subclause (i), the vital national interests of the United States require the provision of such assistance, or financing.

"(B) If the President makes a certification pursuant to clause (A)(ii), he shall include in such certification—

"(i) a full and complete description of the vital national interests placed at risk should assistance, or financing not be provided such country; and

"(ii) a statement weighing the risk described in subclause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combatting narcotics or to take adequate steps to combat narcotics on its own.

"(3) In making the certification required by paragraph (2) of this subsection, the President shall give foremost consideration to whether the actions of the government of the country have resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to subsection (e)(4). The President shall also consider whether such government—

"(A) has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States; and

"(B) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related monies, as evidence by—

"(i) the enactment and enforcement of laws prohibiting such conduct, and

100 STAT. 3207-63

"(ii) the willingness of such government to enter into mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

"(iii) the degree to which such government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts.

"(4)(A) The provisions of paragraph (1) shall apply without regard to paragraph (2) if the Congress enacts, within 30 days of continuous session after receipt of a certification under paragraph (2), a joint resolution disapproving the determination of the President contained in such certification.

"(B)(i) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976. 90 Stat. 765.

"(ii) For the purpose of expediting the consideration and enactment of joint resolution under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(5) Any country for which the President has not made a certification under paragraph (2) or with respect to which the Congress has enacted a joint resolution disapproving such certification may not receive United States assistance as defined by subsection (i)(4) of this section or the financing described in paragraph (1)(B) of this subsection unless—

"(A) the President makes a certification under paragraph (2) and the Congress does not enact a joint resolution of disapproval; or

"(B) the President submits at any other time a certification of the matters described in paragraph (2) with respect to such country and the Congress enacts, in accordance with the procedures of paragraph (4), a joint resolution approving such certification.".

22 USC 2291.

(b) Reporting Date.—Section 481(e) of such Act is amended by striking out "February" and inserting in lieu thereof "March".

(c) Definition.—Section 481(i) of such Act is amended—

"(1) by striking out "and" at the end of paragraph (3);

"(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

"(3) by adding at the end thereof the following new paragraph:

"(5) the term 'major drug-transit country' means a country—

"(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;

"(B) through which are transported such drugs or substances; or

"(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government.".

(d) Child Survival Fund.—Section 481(i)(4) of such Act is amended by striking out "or (vi)" and inserting in lieu thereof "(vi) assistance from the Child Survival Fund under section 1049(c)(2) of this Act, or (vii)".

100 STAT. 3207-64

SEC. 2006. DEVELOPMENT OF HERBICIDES FOR AERIAL COCA ERADICATION.

The Secretary of State shall use not less than $1,000,000 of the funds made available for fiscal year 1987 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control) to finance research on and the development and testing of safe and effective herbicides for use in the aerial eradication of coca.

22 USC 2291 note.

SEC. 2007. REVIEW OF EFFECTIVENESS OF INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.

(a) Requirement for Investigation.—The Comptroller General shall conduct a thorough and complete investigation to determine the effectiveness of the assistance provided pursuant to chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control).

(b) Reports to Congress.—

(1) Periodic reports.—The Comptroller General shall report to the Congress periodically as the various portions of the investigation conducted pursuant to subsection (a) are completed.

(2) Final report.—Not later than March 1, 1988, the Comptroller General shall submit a final report to the Congress on the results of the investigation. This report shall include

such recommendations for administrative or legislative action as the Comptroller General finds appropriate based on the investigation.

SEC. 2008. EXTRADITION TO THE UNITED STATES FOR NARCOTICS-RELATED OFFENSES.

Section 481(e)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(3); relating to the annual international narcotics control report) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) A discussion of the extent to which such country has cooperated with the United States narcotics control efforts through the extradition or prosecution of drug traffickers, and, where appropriate, a description of the status of negotiations with such country to negotiate a new or updated extradition treaty relating to narcotics offenses.".

SEC. 2009. FOREIGN POLICE ARREST ACTIONS.

Section 481(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c); commonly known as the Mansfield amendment) is amended to read as follows:

"(c)(1) No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law. This paragraph does not prohibit an officer or employee from assisting foreign officers who are effecting an arrest.

"(2) Unless the Secretary of State, in consultation with the Attorney General, has determined that the application of this paragraph with respect to that foreign country would be harmful to the national interests of the United States, no officer or employee of the United States may engage or participate in any direct police arrest action in a foreign country with respect to narcotics control efforts, notwithstanding any other provision of law. Nothing in paragraph (1) shall be construed to allow United States officers or employees to engage or participate in activities prohibited by this paragraph in a country with respect to which this paragraph applies.

"(3) Paragraphs (1) and (2) do not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

"(4) With the agreement of a foreign country, paragraphs (1) and (2) shall not apply with respect to maritime law enforcement operations in the territorial sea of that country.

"(5) No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

"(6) This subsection shall not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.".

SEC. 2010. ISSUANCE OF DIPLOMATIC PASSPORTS FOR DRUG ENFORCEMENT ADMINISTRATION AGENTS ABROAD.

Report.

The Congress commends the decision of the Secretary of State to issue diplomatic passports, rather than official passports, to officials and employees of the Drug Enforcement Administration who are assigned abroad. The Secretary shall report to the Congress before making any change in this policy.

SEC. 2011. INFORMATION-SHARING SO THAT VISAS ARE DENIED TO DRUG TRAFFICKERS.

(a) NEED FOR COMPREHENSIVE INFORMATION SYSTEM.—The Congress is concerned that the executive branch has not established a comprehensive information system on all drug arrests of foreign nationals in the United States so that information may be communicated to the appropriate United States embassies, even though the establishment of such a system is required by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

8 USC 1182 note.
Report.

(b) Establishment of System.—The executive branch shall act expeditiously to establish the comprehensive information system required by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and submit to the Congress a report that the system has been established.

SEC. 2012. CONDITIONS ON ASSISTANCE FOR BOLIVIA.

(a) Operation Blast Furnace.—(1) It is the sense of the Congress that—

(A) the Government of Bolivia's recent drug interdiction operations in cooperation with the United States (Operation Blast Furnace) evinced a determination to combat the growing power of the narcotics trade and narcotics traffickers;

(B) the operation has had a dramatic effect on the coca trade in that country by dropping the price of coca below the cost of production;

(C) as a result of this operation the coca trade has in the short term been sharply constricted;

(D) the restoration of non-coca dependent economic growth in Bolivia is crucial to the achievement of long-term progress in controlling illicit narcotics production; and

100 STAT. 3207-66

(E) control of illicit drug production is crucial to the survival of democratic institutions and democratic government in Bolivia.

(2) The Congress, therefore, applauds the demonstrated willingness of the Paz Estenssoro government, despite the risks of severe domestic criticism and disruptive economic consequences, to cooperate with the United States in Operation Blast Furnace.

99 Stat. 230.

(b) Conditions on Assistance.—Paragraph (2) of section 611 of the International Security and Development Cooperation Act of 1985 is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that Bolivia has engaged in narcotics interdiction operations which have significantly disrupted the illicit coca industry in Bolivia or has cooperated with the United States in such operations; and

"(B) the remaining amount of such assistance may be provided at any time after the President certifies to the Congress that Bolivia has either met in calendar year 1986 the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States or has entered into an agreement of cooperation with the United States for implementing that plan for 1987 and beyond (including numerical eradication targets) and is making substantial progress toward the plan's objectives, including substantial eradication of illicit coca crops and effective use of United States assistance.

In the certification required by subparagraph (B), the President shall explain why the terms of the 1983 agreement proved unattainable and the reasons why a new agreement was necessary.".

(c) Relation to Other Provisions.—Nothing in the amendment made by subsection (b) shall be construed as superseding any provision of section 481 of the Foreign Assistance Act of 1961.

Ante, pp. 3207-61—3207-64.
22 USC 2291-1.

SEC. 2013. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.

President of U.S.

(a) Reports.—Not later than 6 months after the date of enactment of this Act and every 6 months thereafter, the President shall prepare and transmit to the Congress a report—

(1) listing each major illicit drug producing country and each major drug-transit country—

(A) which, as a matter of government policy, encourages or facilitates the production or distribution of illegal drugs;

(B) in which any senior official of the government of such country engages in, encourages, or facilitates the production or distribution of illegal drugs;

(C) in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has suffered or been threatened with violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof; or

(D) which, having been requested to do so by the United States Government, fails to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country; and

100 STAT. 3207-67

(2) describing for each country listed under paragraph (1) the activities and identities of officials whose activities caused such country to be so listed.

Banks and banking.

(b) RESTRICTIONS.—No United States assistance may be furnished to any country listed under subsection (a)(1), and the United States representative to any multilateral development bank shall vote to oppose any loan or other use of the funds of such bank for the benefit of any country listed under subsection (a)(1), unless the President certifies to the Congress that—

(1) overriding vital national interests require the provision of such assistance;

(2) such assistance would improve the prospects for cooperation with such country in halting the flow of illegal drugs; and

(3) the government of such country has made bona fide efforts to investigate and prosecute appropriate charges for any crime described in subsection (a)(1)(C) which may have been committed in such country.

(c) RELATION TO OTHER PROVISIONS.—The restrictions contained in subsection (b) are in addition to the restrictions contained in section 481(h) of the Foreign Assistance Act of 1961 or any other provision of law.

Ante, p. 3207-61.

(d) DEFINITIONS.—For purposes of this section, the terms "major illicit drug producing country", "major drug-transit country", and "United States assistance" have the same meaning as is given to those terms by section 481(i) of the Foreign Assistance Act of 1961.

Ante, p. 3207-63.

SEC. 2014. COMBATING NARCOTERRORISM.

(a) FINDING.—The Congress finds that the increased cooperation and collaboration between narcotics traffickers and terrorist groups constitutes a serious threat to United States national security interests and to the political stability of numerous other countries, particularly in Latin America.

(b) IMPROVED CAPABILITY FOR RESPONDING TO NARCOTERRORISM.—The President shall take concrete steps to improve the capability of the executive branch—

(1) to collect information concerning the links between narcotics traffickers and the acts of terrorism abroad, and

(2) to develop an effective and coordinated means for responding to the threat which those links pose.

President of U.S. Report.

Not later than 90 days after the date of enactment of this Act, the President shall report to the Congress on the steps taken pursuant to this subsection.

(c) ADMINISTRATION OF JUSTICE PROGRAM.—Of the amounts made available for fiscal year 1987 to carry out section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c; relating to the administration of justice program), funds may be used to provide to Colombia or other countries in the region such assistance as they may request for protection of judicial or other officials who are targets of narcoterrorist attacks.

(d) Reward Concerning Jorge Luis Ochoa Vasquez.—It is the sense of the Congress that the authority of section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), as 100 STAT. 3207-68 amended by section 502(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399; enacted August 27, 1986), should be used expeditiously to establish a reward of up to $500,000 for information leading to the arrest or conviction of Jorge Luis Ochoa Vasquez for narcotics-related offenses.

46 USC app. 1902 note.

SEC. 2015. INTERDICTION PROCEDURES FOR VESSELS OF FOREIGN REGISTRY.

(a) Findings.—The Congress finds that—

(1) the interdiction by the United States Coast Guard of vessels suspected for carrying illicit narcotics can be a difficult procedure when the vessel is of foreign registry and is located beyond the customs waters of the United States;

(2) before boarding and inspecting such a vessel, the Coast Guard must obtain consent from either the master of the vessel or the country of registry; and

(3) this process, and obtaining the consent of the country of registry to further law enforcement action, may delay the interdiction of the vessel by 3 or 4 days.

(b) Negotiations Concerning Interdiction Procedures.—

(1) The Congress urges the Secretary of State, in consultation with the Secretary of the department in which the Coast Guard is operating, to increase effects to negotiate with relevant countries procedures which will facilitate interdiction of vessels suspected of carrying illicit narcotics.

(2) If a country refuses to negotiate with respect to interdiction procedures, the President shall take appropriate actions directed against that country, which may include the denial of access to United States ports to vessels registered in that country.

Reports.

(3) The Secretary of State shall submit reports to the Congress semiannually identifying those countries which have failed to negotiate with respect to interdiction procedures.

SEC. 2016. ASSESSMENT OF NARCOTICS TRAFFICKING FROM AFRICA.

The President shall direct that an updated threat assessment of narcotics trafficking from Africa be prepared. If it is determined that an increased threat exists, the assessment shall examine the need for the United States to provide increased narcotics control training for African countries.

SEC. 2017. POLICY TOWARD MULTILATERAL DEVELOPMENT BANKS.

22 USC 2291.

Section 481(a) of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) In order to promote international cooperation in combatting international trafficking in illicit narcotics, it shall be the policy of the United States to use its voice and vote in multilateral development banks to promote the development and implementation in the major illicit drug producing countries of programs for the reduction and eventual eradication of narcotic drugs and other controlled substances, including appropriate assistance in conjunction with effective programs of illicit crop eradication.".

22 USC 2291 note.

SEC. 2018. MULTILATERAL DEVELOPMENT BANK ASSISTANCE FOR DRUG ERADICATION AND CROP SUBSTITUTION PROGRAMS.

Mexico.

(a) MDB Assistance for Development and Implementation of Drug Eradication Program.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that all possible assistance be provided to each major illicit drug producing country for the development and implementation of a drug eradication program, including technical assistance, assistance in conducting feasibility studies and economic analyses, and assistance for alternate economic activities.

(b) Increases in Multilateral Development Bank Lending for Crop Substitution Projects.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that each such bank increase the amount of lending by such bank for crop substitution programs which will provide an economic alternative for the cultivation or production of illicit narcotic drugs or other controlled substances in major illicit drug producing countries, to the extent such countries develop and maintain adequate drug eradication programs.

(c) National Advisory Council Report.—The Secretary of the Treasury shall include in the annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies a detailed accounting of the manner in which and the extent to which the provisions of this section have been carried out.

(d) Definitions.—For purposes of this section—

(1) Multilateral development bank.—The term "multilateral development bank" means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

(2) Major illicit drug producing country.—The term "major illicit drug producing country" has the meaning provided in section 481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2)).

(3) Narcotic drug and controlled substance.—The terms "narcotic drug" and "controlled substance" have the meanings given to such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

SEC. 2019. DRUGS AS A NATIONAL SECURITY PROBLEM.

President of U.S.

The Congress hereby declares that drugs are a national security problem and urges the President to explore the possibility of engaging such essentially security-oriented organizations as the North Atlantic Treaty Organization in cooperative drug programs.

SEC. 2020. FINDINGS CONCERNING GREATER INTERNATIONAL EFFORT TO ADDRESS DRUG THREAT.

The Congress finds that—

(1) in response to the growing narcotics threat to the international community—

(A) the Single Convention on Narcotic Drugs, 1961, the 1972 Protocol amending that Convention, and the Convention on Psychotropic Substances were adopted under United Nations auspices, and

(B) the United Nations has created various entities to deal with drug abuse control and prevention; and

(2) a greater international effort is required to address this threat, such as additional or increased contributions by other countries to the United Nations Fund for Drug Abuse and Control and greater coordination of enforcement and eradication efforts.

SEC. 2021. INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING.

(a) Congressional Support.—The Congress hereby declares its support for United Nations General Assembly Resolution 40/122 adopted on December 13, 1985, in which the General Assembly decided to convene in 1987, an International Conference on Drug Abuse and Illicit Trafficking in order to generate universal action to combat the drug problem in all its forms at the national, regional, and international levels, and to adopt a comprehensive outline of future activities.

(b) UNITED STATES PARTICIPATION.—With respect to United States participation in the International Conference on Drug Abuse and Illicit Trafficking, the Congress calls on the President—

(1) to appoint the head of the United States delegation well in advance of the conference; and

(2) to ensure that necessary resources are available for United States preparation and participation.

President of U.S.

(c) REPORT TO CONGRESS.—Not later than April 30, 1987, the President shall report to the Congress on the status of United States preparations for the International Conference on Drug Abuse and Illicit Trafficking, incuding the status of naming the delegation, the issues expected to arise, and United States policy initiatives to be taken at the conference.

SEC. 2022. EFFECTIVENESS OF INTERNATIONAL DRUG PREVENTION AND CONTROL SYSTEM.

(a) STUDY.—The United States should seek to improve the program and budget effectiveness of United Nations entities related to narcotics prevention and control by studying the capability of existing United Nations drug-related declarations, conventions, and entities to heighten international awareness and promote the necessary strategies for international action, to strengthen international cooperation, and to make effective use of available United Nations funds.

President of U.S.

(b) REPORT TO CONGRESS.—Not later than April 30, 1987, the President shall report to the Congress any recommendations that may result from this study.

SEC. 2023. NARCOTICS CONTROL CONVENTIONS.

The Congress—

(1) urges that the United Nations Commission on Narcotic Drugs complete work as quickly as possible, consistent with the objective of obtaining an effective agreement, on a new draft convention against illicit traffic in narcotic drugs and psychotropic substances, in accordance with the mandate given the Commission by United Nations General Assembly Resolution 39/141; and

(2) calls for more effective implementation of existing conventions relating to narcotics.

SEC. 2024. MEXICO-UNITED STATES INTERGOVERNMENTAL COMMISSION.

President of U.S.

100 STAT. 3207-71

(a) NEGOTIATIONS TO ESTABLISH.—In accordance with the resolution adopted by the 26th Mexico-United Interparliamentary Conference which recommended that the Government of Mexico and the Government of the United States establish a Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control, the President should direct the Secretary of State, in conjunction with the National Drug Enforcement Policy Board, to enter into negotiations with the Government of Mexico to create such a joint intergovernmental commission.

(b) MEMBERSHIP.—The commission, which should meet semiannually, should include members of the Mexican Senate and Chamber of Deputies and the United States House of Representatives and Senate, together with members of the Executive departments of each Government responsible for drug abuse, education, prevention, treatment, and law enforcement.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the

Congress on the progress being made in establishing a commission in accordance with subsection (a).

SEC. 2025. OPIUM PRODUCTION IN PAKISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the production of opium in Pakistan is expected to more than double in the 1985-1986 growing season, posing an increased threat to the health and welfare of the people of Pakistan and the people of the United States; and

(2) despite past achievements, the current eradication program in Pakistan, which employs manual eradication of opium poppies, has proven inadequate to meet this new challenge.

(b) NEED FOR MORE EFFECTIVE DRUG CONTROL PROGRAM.—The Congress urges that the Government of Pakistan adopt and implement a comprehensive narcotics control program which would provide for more effective prosecution of drug traffickers, increased interdiction, and aerial eradication of opium poppies.

(c) REPORT TO CONGRESS.—The Secretary of State shall report to the Congress not later than 60 days after the date of enactment of this Act with Respect to the adoption and implementation by the Government of Pakistan of a comprehensive narcotics control program in accordance with subsection (b).

SEC. 2026. OPIUM PRODUCTION IN IRAN, AFGHANISTAN, AND LAOS.

President of U.S.

The Congress calls on the President to instruct the United States Ambassador to the United Nations to request that the United Nations Secretary General raise with delegations to the International Conference on Drug Abuse and Illicit Trafficking the problem of illicit drug production in Iran, Afghanistan, and Laos, the largest opium poppy producing countries which do not have narcotics control programs.

SEC. 2027. INCREASED FUNDING FOR USIA DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated for the United States Information Agency for fiscal year 1987 $2,000,000 which shall be available only for increasing drug education programs abroad. These programs may include—

(1) the distribution of films and publications which demonstrate the impact of drugs on crime and health; and

(2) exchange of persons programs and international visitor programs involving students, educators, and scientists.

100 STAT. 3207-72

SEC. 2028. INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the President for fiscal year 1987 $3,000,000 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, which amount shall be used pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

22 USC 2151.
22 USC 2151x.

SEC. 2029. REPORTS TO CONGRESS ON DRUG EDUCATION PROGRAMS ABROAD.

22 USC 2291 note.

The Director of the United States Information Agency and the Administrator of the Agency for International Development shall include in their annual reports to the Congress a description of the drug education programs carried out by their respective agencies.

SEC. 2030. NARCOTICS CONTROL EFFORTS IN MEXICO.

(a) CONGRESSIONAL FINDINGS.—The Congress finds—

(1) in their meeting in August 1986, President de la Madrid Hurtado and President Reagan recognized the unique relationship between our two countries and the importance and the desire to respect the sovereignty of each nation;

(2) further, the United States Government has actively worked to support the Mexican Government in easing its international debt burden;

(3) both Presidents pledged their cooperation in drug eradication, enforcement and education; and

(4) this pledge of cooperation has not been realized fully because of the inadequate response of the Mexican Government in—

(A) fully investigating the 1985 murders of U.S. Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot, Alfredo Zavala Avelar;

(B) fully investigating the 1986 detention and torture of U.S. Drug Enforcement Administration agent Victor Cortez, Junior;

(C) bringing to trial and effectively prosecuting those responsible for the Camarena and Zavala murders and those responsible for the detention and torture of Cortez;

(D) using effectively and efficiently the fleet of aircraft provided by the United States government for drug eradication and interdiction; and

(E) preventing drug trafficking and drug-related violence on the United States-Mexican border.

President of U.S.

(b) Measures To Be Considered.—Therefore, it is the sense of Congress that unless substantial progress is demonstrated in the near future on the issues described in subsection (A)(4), the President should consider taking one or more of the following measures:

(1) imposition of a mandatory travel advisory for all of Mexico;

(2) restrictions on foreign assistance (including further disbursements from the Exchange Stabilization Fund and Federal Reserve Bank);

(3) denial of favorable tariff treatment for Mexican products;

(4) denial of favorable U.S. votes in multilateral development banks.

100 STAT. 3207-73

(c) Prosecution of Those Responsible for the Torture and Murder of DEA Agents.—Of the funds allocated for assistance for Mexico for fiscal year 1987 under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control), $1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) has brought to trial and is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

National Drug Interdiction Improvement Act of 1986.

TITLE III—INTERDICTION

SEC. 3001. SHORT TITLE.

21 USC 801 note.

This title may be cited as the "National Drug Interdiction Improvement Act of 1986".

21 USC 801 note.

SEC. 3002. FINDINGS.

The Congress hereby finds that—

(1) a balanced, coordinated, multifaceted strategy for combating the growing drug abuse and drug trafficking problem in the United States is essential in order to stop the flow and abuse of drugs within our borders;

(2) a balanced, coordinated, multifaceted strategy for combating the narcotics drug abuse and trafficking in the United States should include—

(A) increased investigations of large networks of drug smuggler organizations;

(B) source country drug eradication;

(C) increased emphasis on stopping narcotics traffickers in countries through which drugs are transshipped;

(D) increased emphasis on drug education programs in the schools and workplace;

(E) increased Federal Government assistance to State and local agencies, civic groups, school systems, and officials in their efforts to combat the drug abuse and trafficking problem at the local level; and

(F) increased emphasis on the interdiction of drugs and drug smugglers at the borders of the United States, in the air, at sea, and on the land;

(3) funds to support the interdiction of narcotics smugglers who threaten the transport of drugs through the air, on the sea, and across the land borders of the United States should be emphasized in the Federal Government budget process to the same extent as the other elements of a comprehensive antidrug effort are emphasized;

(4) the Department of Defense and the use of its resources should be an integral part of a comprehensive, natonal drug interdiction program;

(5) the Federal Government civilian agencies engaged in drug interdiction, particularly the United States Customs Service and the Coast Guard, currently lack the aircraft, ships, radar, command, control, communications, and intelligence (C3I) system, and manpower resources necessary to mount a comprehensive attack on the narcotics traffickers who threaten the United States;

100 STAT. 3207-74

(6) the civilian drug interdiction agencies of the United States are currently interdicting only a small percentage of the illegal, drug smuggler penetrations in the United States every year;

(7) the budgets for our civilian drug interdiction agencies, primarily the United States Customs Service and the Coast Guard, have not kept pace with those of the traditional investigative law enforcement agencies of the Department of Justice; and

(8) since the amendment of the Posse Comitatus Act (18 U.S.C. 1385) in 1981, the Department of Defense has assisted in the effort to interdict drugs, but they can do more.

SEC. 3003. PURPOSES.

21 USC 801 note.

It is the purpose of this title—

(1) to increase the level of funding and resources available to civilian drug interdiction agencies of the Federal Government;

(2) to increase the level of support from the Department of Defense as consistent with the Posse Comitatus Act, for interdiction of the narcotics traffickers before such traffickers penetrate the borders of the United States; and

(3) to improve other drug interdiction programs of the Federal Government.

Subtitle A—Department of Defense Drug Interdiction Assistance

Defense Drug Interdiction Assistance Act.
10 USC 371 note.

SEC. 3051. SHORT TITLE.

This subtitle may be cited as the "Defense Drug Interdiction Assistance Act".

SEC. 3052. AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG INTERDICTION ACTIVITIES.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for enhancement of drug interdiction assistance activities of the Department as follows:

(1) For procurement of aircraft for the Navy, $138,000,000, to be available for (A) the refurbishment and upgrading, for drug interdiction purposes, of four existing E-2C Hawkeye surveillance aircraft or any other aircraft of the Navy which the Secretary considers better suited than E-2C Hawkeye surveillance aircraft to perform the drug interdiction mission, and (B) the procurement of four replacement aircraft (of the same type of aircraft refurbished and upgraded under the authorization in this paragraph) and related spares for the Navy.

(2) For procurement of seven radar aerostats, $99,500,000.

(3) For procurement of eight Blackhawk helicopters, $40,000,000.

(b) Loan of Equipment to Law Enforcement Agencies.—(1)(A) The Secretary of Defense shall make two of the existing aircraft refurbished and upgraded under subsection (a)(1) available to the Customs Service and the other two of such existing aircraft available to the Coast Guard.

(B) The Customs Service and the Coast Guard shall each have the responsibility for operation and maintenance costs attributable to the aircraft made available to the Customs Service and the Coast Guard, respectively, under subparagraph (A).

(2) The Secretary of Defense shall make the radar aerostats acquired under subsection (a)(2) and the helicopters acquired under subsection (a)(3) available to agencies of the United States designated by the National Drug Enforcement Policy Board established by the National Narcotics Act of 1984.

21 USC 1201 note.

(3) Aircraft and radar aerostats shall be made available to agencies under this subsection subject to the provisions of chapter 18 of title 10, United States Code.

10 USC 371 *et seq.*

(c) Limitation on Procurement.—Amounts appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1987 or any prior fiscal year may be obligated for equipment for enhancement of authorized drug enforcement activities of the Department of Defense under subsection (a) or any other provision of law only if the equipment—

(1) is fully supportable within the existing service support system of the Department of Defense; and

(2) reasonably relates to an existing military, war reserve, or mobilization requirement.

SEC. 3053. COAST GUARD ACTIVITIES.

(a) Funding for Personnel on Naval Vessels.—(1) Of the funds appropriated for operation and maintenance for the Navy for fiscal year 1987, the sum of $15,000,000 shall be transferred to the Secretary of Transportation and shall be available only for members of the Coast Guard assigned to duty as provided in section 379 of title 10, United States Code (as added by subsection (b)).

(2) The active duty military strength level for the Coast Guard for fiscal year 1987 is hereby increased by 500 above any number otherwise provided by law.

(b) Enhanced Drug Interdiction Assistance.—(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 379.

"§ 379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes

"(a) The Secretary of Defense and the Secretary of Transportation shall provide that there be assigned on board appropriate surface naval vessels at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and have powers of the Coast Guard under title 14, including the power to make arrests and to carry out searches and seizures.

"(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

"(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

"(2) as are otherwise within the jurisdiction of the Coast Guard.

"(c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal year to duty under this section. However, if at any time the Secretary of Transportation, after consultation with the Secretary of Defense, determines that there are insufficient naval vessels available for purposes of this section, such personnel may be assigned other duty involving enforcement of laws listed in section 374(a)(1) of this title.

"(d) In this section, the term 'drug-interdiction area' means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"Sec. 379. Assignment of Coast Guard personnel to naval vessels for law enforcement purposes.".

14 USC 89 note.

(3) Effective on the date of the enactment of this Act, section 1421 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 750), is repealed.

(c) Coast Guard Reserve.—The Selected Reserve of the Coast Guard Reserve shall be programmed to attain a strength as of September 30, 1987, of not less than 14,400. Of such number, not less than 1,400 shall be used to augment units of the Coast Guard assigned to drug interdiction missions.

(d) Use of Department of Defense Funds for the Coast Guard.—In addition to any other amounts authorized to be appropriated to the Department of Defense in fiscal year 1987, $45,000,000 shall be authorized to be appropriated for the installation of 360-degree radar systems on Coast Guard long-range surveillance aircraft. Any modifications of existing aircraft pursuant to this subsection shall comply with validated requirements and specifications developed by the Coast Guard. The limitations contained in paragraphs (1) and (2) of section 3052(c) shall apply with respect to activities carried out under this subsection.

SEC. 3054. REPORT ON DEFENSE DRUG EDUCATION ACTIVITIES.

Children and youth.

Not later than December 1, 1986, the Secretary of Defense, in consultation with the National Drug Enforcement Policy Board and the Department of Education, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a discussion of—

(1) the extent to which youth enrolled in schools operated by the Department of Defense for dependent members of the Armed Forces are receiving education on drug and substance abuse,

(2) the types of drug education programs that are currently being provided in such schools,

(3) whether additional drug education programs are needed in such schools, and

(4) the extent to which drug education for youth in grades kindergarten through 12 include or should include preventive peer counseling classes.

SEC. 3055. DRIVING WHILE IMPAIRED.

Section 911 of title 10, United States Code, is amended by inserting "or while impaired by a substance described in section 912a(b) of this title (article 112a(b))," after "manner,".

SEC. 3056. ASSISTANCE TO CIVILIAN LAW ENFORCEMENT AND EMERGENCY ASSISTANCE BY DEPARTMENT OF DEFENSE PERSONNEL

(a) ASSISTANCE TO CIVILIAN LAW ENFORCEMENT.—Section 374(a) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "or with respect to assistance that such agency is authorized to furnish to any foreign government which is involved in the enforcement of similar laws".

(b) EMERGENCY ASSISTANCE.—Section 374(c) of such title is amended to read as follows:

"(c)(1) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used as a base of operations outside the land area of the United States (or any territory, commonwealth, or possession of the United States) by Federal law enforcement officials—

"(A) to facilitate the enforcement of a law listed in subsection (a); and

"(B) to transport such law enforcement officials in connection with such operations;

if the Secretary of Defense, the Attorney General, and the Secretary of State jointly determine that an emergency circumstance exists.

"(2)(A) Subject to subparagraph (B), equipment operated by or with the assistance of personnel assigned under subsection (a) may not be used to interdict or interrupt the passage of vessels and aircraft.

"(B) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used to intercept vessels and aircraft outside the land area of the United States (or any territory, commonwealth, or possession of the United States) for the purposes of communicating with such vessels and aircraft to direct such vessels and aircraft to go to a location designated by appropriate civilian officials if the Secretary of Defense, the Attorney General, and the Secretary of State jointly determine that an emergency circumstance exists and that enforcement of a law listed in subsection (a) would be seriously impaired if such use of equipment were not permitted. Such use of equipment may continue into the land area of the United States (or any territory or possession of the United States) in cases involving the hot pursuit of vessels or aircraft where such pursuit began outside such land area.

"(3) For purposes of this subsection, an emergency circumstance exists when—

"(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interest of the United States; and

"(B) the assistance described in this subsection would significantly enhance the enforcement of a law listed in subsection (a).".

10 USC 374 note.

SEC. 3057. ADDITIONAL DEPARTMENT OF DEFENSE DRUG LAW ENFORCEMENT ASSISTANCE.

(a) GENERAL REQUIREMENT.—(1) Within 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress the following:

(A) A detailed list of all forms of assistance that shall be made available by the Department of Defense to civilian drug law enforcement and drug interdiction agencies, including the United States Customs Service, the Coast Guard, the Drug Enforcement Administration, and the Immigration and Naturalization Service.

(B) A detailed plan for promptly lending equipment and rendering drug interdiction-related assistance included on such list.

(2) The list required by paragraph (1)(A) shall include, but not be limited to, a description of the following matters:

(A) Surveillance equipment suitable for detecting air, land, and marine drug transportation activities.

(B) Communications equipment, including secure communications.

(C) Support available from the reserve components of the Armed Forces for drug interdiction operations of civilian drug law enforcement agencies.

(D) Intelligence on the growing, processing, and transshipment of drugs in drug source countries and the transshipment of drugs between such countries and the United States.

(E) Support from the Southern Command and other unified and specified commands that is available to assist in drug interdiction.

(F) Aircraft suitable for use in air-to-air detection, interception, tracking, and seizure by civilian drug interdiction agencies, including the Customs Service and the Coast Guard.

(G) Marine vessels suitable for use in maritime detection, interception, tracking, and seizure by civilian drug interdiction agencies, including the Customs Service and the Coast Guard.

(H) Such land vehicles as may be appropriate for support activities relating to drug interdiction operations by civilian drug law enforcement agencies, including the Customs Service, the Immigration and Naturalization Service, and other Federal agencies having drug interdiction or drug eradication responsibilities.

(b) COMMITTEE APPROVAL AND FINAL IMPLEMENTATION.—Within 30 days after the date on which the Congress receives the list and plan submitted under such subsection, the Committees on Armed Services of the Senate and the House of Representatives shall submit their approval or disapproval of such list and plan to the Secretary of Defense. Upon receipt of such approval or disapproval, the Secretary shall immediately convene a conference of the heads of the Federal Government agencies with jurisdiction over drug law enforcement, including the Customs Service, the Coast Guard, and the Drug Enforcement Administration, to determine the appropriate distribution of the assets, items of support, or other assistance to be made available by the Department of Defense to such agencies. Not later than 60 days after the date on which such conference convenes, the Secretary of Defense and the heads of such agencies shall enter into appropriate memoranda of agreement specifying the distribution of such assistance.

(c) EQUIPMENT SUBJECT TO SECTION 3052(c).—Equipment identified in this section is subject to the provisions of section 3052(c).

(d) APPLICABILITY.—Subsections (a) and (b) shall not apply to any assets, equipment, items of support, or other assistance provided or authorized in any other provision of this title.

(e) REVIEW BY GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall monitor the compliance of the Department of Defense with subsections (a) and (b). Not later than 90 days after the date on which the conference is convened under subsection (b), the Comptroller General shall transmit to the Congress a written report containing the Comptroller General's findings regarding the compliance of the Department of Defense with such subsections. The report shall include a review of the memoranda of agreement entered into under subsection (b).

100 STAT. 3207-79

Report.

SEC. 3058. GRADE OF DIRECTOR OF DEPARTMENT OF DEFENSE TASK FORCE ON DRUG ENFORCEMENT.

10 USC 525 note.

During fiscal year 1987, the number of officers of the Marine Corps authorized under section 525(b) of title 10, United States Codes, to be on active duty in grades above major general is increased by one during any period that an officer of the Marine Corps is serving as the Director of the Department of Defense Task Force on Drug Enforcement. An additional officer in a grade above major general by reason of this section may not be in the grade of general.

10 USC 9441 note.

SEC. 3059. CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Civil Air Patrol, the all-volunteer civilian auxiliary of the Air force, can increase its participation in and make significant contributions to the drug interdiction efforts of the Federal Government, and

(2) the Secretary of the Air Force should fully support that participation.

(b) AUTHORIZATION.—In addition to any other amounts appropriated for the Civil Air Patrol for fiscal year 1987, there are authorized to be appropriated for the Civil Air Patrol, out of any unobligated and uncommitted balances of appropriations for the Department of Defense for fiscal year 1986 which are carried forward into fiscal year 1987, $7,000,000 for the acquisition of the major items of equipment needed by the Civil Air Patrol for drug interdiction surveillance and reporting missions.

(c) REPORTS.—(1) The Secretary of the Air Force shall submit to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives quarterly reports which contain the following information:

(A) A description of the manner in which any funds are used under subsection (b).

(B) A detailed description of the activities of the Civil Air Patrol in support of the Federal Government's drug interdiction program.

(2) The first report under paragraph (1) shall be submitted on the last day of the first quarter ending not less than 90 days after the date of the enactment of this Act.

Customs Enforcement Act of 1986.
19 USC 1654 note.

Subtitle B—Customs Enforcement

SEC. 3101. SHORT TITLE.

This subtitle may be cited as the "Customs Enforcement Act of 1986".

PART 1—AMENDMENTS TO THE TARIFF ACT OF 1930

SEC. 3111. DEFINITIONS.

Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended—

(1) by inserting ", and monetary instruments as defined in section 5312 of title 31, United States Code" before the period in subsection (c);

(2) by striking out "The term" in subsection (k) and inserting in lieu thereof "(1) The term";

(3) by adding at the end of subsection (k) the following new paragraph:

19 USC 1432; *infra;* 19 USC 1434, 1448; *post,* pp. 3207-82, 3207-84.

"(2) For the purposes of sections 432, 433, 434, 448, 585, and 586, any vessel which—

"(A) has visited any hovering vessel;

"(B) has received merchandise while in the customs waters beyond the territorial sea; or

"(C) has received merchandise while on the high seas;

shall be deemed to arrive or have arrived, as the case may be, from a foreign port or place."; and

(4) by adding at the end thereof the following:

"(m) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled

Substances Act (21 U.S.C. 802(6)). For purposes of this Act, a controlled substance shall be treated as merchandise the importation of which into the United States is prohibited, unless the importation is authorized under—

"(1) an appropriate license or permit; or

"(2) the Controlled Substances Import and Export Act.". 21 USC 801 note.

SEC. 3112. REPORT OF ARRIVAL OF VESSELS, VEHICLES, AND AIRCRAFT.

Section 433 of the Tariff Act of 1930 (19 U.S.C. 1433) is amended to read as follows:

"SEC. 433. REPORT OF ARRIVAL OF VESSELS, VEHICLES, AND AIRCRAFT.

Virgin Islands.

"(a) Vessel Arrival.—(1) Immediately upon the arrival at any port or place within the United States or the Virgin Islands of—

"(A) any vessel from a foreign port or place;

"(B) any foreign vessel from a domestic port; or

"(C) any vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made;

the master of the vessel shall report the arrival at the nearest customs facility or such other place as the Secretary may prescribe by regulations.

"(2) The Secretary may by regulation—

"(A) prescribe the manner in which arrivals are to be reported under paragraph (1); and

"(B) extend the time in which reports of arrival must be made, but not later than 24 hours after arrival.

"(b) Vehicle Arrival.—(1) Vehicles may arrive in the United States only at border crossing points designated by the Secretary.

"(2) Except as otherwise authorized by the Secretary, immediately upon the arrival of any vehicle in the United States at a border crossing point, the person in charge of the vehicle shall—

"(A) report the arrival; and

"(B) present the vehicle, and all persons and merchandise (including baggage) on board, for inspection;

to the customs officer at the customs facility designated for that crossing point.

"(c) Aircraft Arrival.—The pilot of any aircraft arriving in the United States or the Virgin Islands from any foreign airport or place shall comply with such advance notification, arrival reporting, and landing requirements as the Secretary may by regulation prescribe.

"(d) Presentation of Documentation.—The master, person in charge of a vehicle, or aircraft pilot shall present to customs officers such documents, papers, or manifests as the Secretary may by regulation prescribe.

"(e) Prohibition on Departures and Discharge.—Unless otherwise authorized by law, a vessel, aircraft, or vehicle may, after arriving in the United States or the Virgin Islands—

"(1) depart from the port, place, or airport of arrival; or

"(2) discharge any passenger or merchandise (including baggage);

only in accordance with regulations prescribed by the Secretary.".

SEC. 3113. PENALTIES FOR ARRIVAL, REPORTING, ENTRY, AND DEPARTURE VIOLATIONS.

(a) For Violations of Arrival, Reporting, and Entry Requirements.—Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436) is amended to read as follows:

"SEC. 436. PENALTIES FOR VIOLATIONS OF THE ARRIVAL, REPORTING, AND ENTRY REQUIREMENTS.

"(a) Unlawful Acts.—It is unlawful—

"(1) to fail to comply with section 433; *Ante*, p. 3207-80.

"(2) to present any forged, altered, or false document, paper, or manifest to a customs officer under section 433(d) without revealing the facts;

19 USC 1434, 1435. 19 USC 1644.

"(3) to fail to make entry as required by section 434, 435, or 644 of this Act or section 1109 of the Federal Aviation Act (49 U.S.C. App. 1509); or

"(4) to fail to comply with, or violate, any regulation prescribed under any section referred to in any of paragraphs (1) through (3).

"(b) CIVIL PENALTY.—Any master, person in charge of a vehicle, or aircraft pilot who commits any violation listed in subsection (a) is liable for a civil penalty of $5,000 for the first violation, and $10,000 for each subsequent violation, and any conveyance used in connection with any such violation is subject to seizure and forfeiture

"(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any master, person in charge of a vehicle, or aircraft pilot who intentionally commits any violation listed in subsection (a) is, upon conviction, liable for a fine of not more than $2,000 or imprisonment for 1 year, or both; except that if the conveyance has, or is discovered to have had, on board any merchandise (other than sea stores or the equivalent for conveyances other than vessels) the importation of which into the United States is prohibited, such individual is liable for an additional fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

"(d) ADDITIONAL CIVIL PENALTY.—If any merchandise (other than sea stores or the equivalent for conveyances other than a vessel) is imported or brought into the United States in or aboard a conveyance which was not properly reported or entered, the master, person in charge of a vehicle, or aircraft pilot shall be liable for a civil penalty equal to the value of the merchandise and the merchandise may be seized and forfeited unless properly entered by the importer or consignee. If the merchandise consists of any controlled substance listed in section 584, the master, individual in charge of a vehicle, or pilot shall be liable to the penalties prescribed in that section.".

19 USC 1584.

(b) INCREASE IN PENALTIES FOR DEPARTURE BEFORE REPORT OR ENTRY.—Section 585 of the Tariff Act of 1930 (19 U.S.C. 1585) is amended—

(1) by striking out "shall be liable to a penalty of $5,000," after "vessel"; and

(2) by striking out "$500" and inserting "$5,000 for the first violation, and $10,000 for each subsequent violation,".

SEC. 3114. PENALTIES FOR UNAUTHORIZED UNLOADING OF PASSENGERS.

Section 454 (19 U.S.C. 1454), is amended by striking out "$500 for each" and inserting "$1,000 for the first passenger and $500 for each additional".

SEC. 3115. REPORTING REQUIREMENTS FOR INDIVIDUALS.

(a) AMENDMENT.—Section 459 of the Tariff Act of 1930 (19 U.S.C. 1459) is amended to read as follows:

"SEC. 459. REPORTING REQUIREMENTS FOR INDIVIDUALS.

"(a) INDIVIDUALS ARRIVING OTHER THAN BY CONVEYANCE.—Except as otherwise authorized by the Secretary, individuals arriving in the United States other than by vessel, vehicle, or aircraft shall—

"(1) enter the United States only at a border crossing point designated by the Secretary; and

"(2) immediately—

"(A) report the arrival, and

"(B) present themselves, and all articles accompanying them for inspection;

to the customs officer at the customs facility designated for that crossing point.

"(b) INDIVIDUALS ARRIVING BY REPORTED CONVEYANCE.—Except as otherwise authorized by the Secretary, passengers and crew members aboard a conveyance the arrival in the United States of which was made or reported in accordance with section 433 or 644 of this Act or section 1109 of the Federal Aviation Act of 1958, or in accordance with applicable regulations, shall remain aboard the conveyance until authorized to depart the conveyance by the appropriate customs officer. Upon departing the conveyance, the passengers and crew members shall immediately report to the designated customs facility with all articles accompanying them.

Ante, p. 3207-80; 19 USC 1644; 49 USC app. 1509.

"(c) INDIVIDUALS ARRIVING BY UNREPORTED CONVEYANCE.—Except as otherwise authorized by the Secretary, individuals aboard a conveyance the arrival in the United States of which was not made or reported in accordance with the laws or regulations referred to in subsection (b) shall immediately notify a customs officer and report their arrival, together with appropriate information concerning the conveyance on or in which they arrived, and present their property for customs examination and inspection.

"(d) DEPARTURE FROM DESIGNATED CUSTOMS FACILITIES.—Except as otherwise authorized by the Secretary, any person required to report to a designated customs facility under subsection (a), (b), or (c) may not depart that facility until authorized to do so by the appropriate customs officer.

"(e) UNLAWFUL ACTS.—It is unlawful—

"(1) to fail to comply with subsection (a), (b), or (c);

"(2) to present any forged, altered, or false document or paper to a customs officer under subsection (a), (b), or (c) without revealing the facts;

"(3) to violate subsection (d); or

"(4) to fail to comply with, or violate, any regulation prescribed to carry out subsection (a), (b), (c), or (d).

"(f) CIVIL PENALTY.—Any individual who violates any provision of subsection (e) is liable for a civil penalty of $5,000 for the first violation, and $10,000 for each subsequent violation.

"(g) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (f), any individual who intentionally violates any provision of subsection (e) is, upon conviction, liable for a fine of not more than $5,000, or imprisonment for not more than 1 year, or both.".

(b) REPEAL.—Section 460 is repealed.

19 USC 1460.

SEC. 3116. PENALTIES FOR FAILURE TO DECLARE.

Section 497 of the Tariff Act of 1930 (19 U.S.C. 1497) is amended to read as follows:

"SEC. 497. PENALTIES FOR FAILURE TO DECLARE.

"(a) IN GENERAL.—(1) Any article which—

"(A) is not included in the declaration and entry as made; and

"(B) is not mentioned before examination of the baggage begins—

"(i) in writing by such person, if written declaration and entry was required, or

"(ii) orally, if written declaration and entry was not required;

shall be subject to forfeiture and such person shall be liable for a penalty determined under paragraph (2) with respect to such article.

"(2) The amount of the penalty imposed under paragraph (1) with respect to any article is equal to—

"(A) if the article is a controlled substance, 200 percent of the value of the article; and

"(B) if the article is not a controlled substance, the value of the article.

"(b) **Value of Controlled Substances.**—(1) Notwithstanding any other provision of this Act, the value of any controlled substance shall, for purposes of this section, be equal to the amount determined by the Secretary in consultation with the Attorney General of the United States, to be equal to the price at which such controlled substance is likely to be illegally sold to the consumer of such controlled substance.

"(2) The Secretary and the Attorney General of the United States shall establish a method of determining the price at which each controlled substance is likely to be illegally sold to the consumer of such controlled substance.".

100 STAT. 3207-84

SEC. 3117. EXAMINATION OF BOOKS AND WITNESSES.

Section 509 of the Tariff Act of 1930 (19 U.S.C. 1509) is amended—

(1) by striking out ", required to be kept under section 508 of this Act," in subsection (a)(2) and inserting ", as defined in subsection (c)(1)(A),"; and

(2) by amending subsection (c)(1)(A) to read as follows:

"(A) The term 'records' includes statements, declarations, or documents—

19 USC 1508.

"(i) required to be kept under section 508; or

"(ii) regarding which there is probable cause to believe that they pertain to merchandise the importation of which into the United States is prohibited.".

SEC. 3118. FALSE MANIFESTS; LACK OF MANIFEST.

Section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is amended—

(1) by striking out "$500" each place it appears and inserting in lieu thereof "$1,000";

(2) by striking out "$50" in subsection (a)(2) and inserting in lieu thereof "$1,000";

(3) by striking out "$25" in subsection (a)(2) and inserting in lieu thereof "$500"; and

(4) by striking out "$10" in subsection (a)(2) and inserting in lieu thereof "$200".

SEC. 3119. UNLAWFUL UNLOADING OF MERCHANDISE.

Section 586 of the Tariff Act of 1930 (19 U.S.C. 1586) is amended—

(1) by striking out "$1,000" wherever it appears and inserting "$10,000"; and

(2) by amending subsection (e)—

(A) by striking out "one league of the coast of the United States" and inserting "customs waters"; and

(B) by striking out "2 years" and inserting "15 years".

SEC. 3120. AVIATION SMUGGLING.

Part V of title IV of the Tariff Act of 1930 is amended by adding after section 589 the following new section:

19 USC 1589, 1589a.

19 USC 1590.

"SEC. 590. AVIATION SMUGGLING.

"(a) **In General.**—It is unlawful for the pilot of any aircraft to transport, or for any individual on board any aircraft to possess, merchandise knowing, or intending, that the merchandise will be introduced into the United States contrary to law.

"(b) **Sea Transfers.**—It is unlawful for any person to transfer merchandise between an aircraft and a vessel on the high seas or in the customs waters of the United States if such person has not been authorized by the Secretary to make such transfer and—

"(1) either—

"(A) the aircraft is owned by a citizen of the United States or is registered in the United States, or

"(B) the vessel is a vessel of the United States (within the meaning of section 3(b) of the Anti-Smuggling Act) (19 U.S.C. 1703(b)), or

"(2) regardless of the nationality of the vessel or aircraft, such transfer is made under circumstances indicating the intent to make it possible for such merchandise, or any part thereof, to be introduced into the United States unlawfully.

"(c) Civil Penalties.—Any person who violates any provision of this section is liable for a civil penalty equal to twice the value of the merchandise involved in the violation, but not less than $10,000. The value of any controlled substance included in the merchandise shall be determined in accordance with section 497(b).

Ante, p. 3207-83.

"(d) Criminal Penalties.—In addition to being liable for a civil penalty under subsection (c), any person who intentionally commits a violation of any provision of this section is, upon conviction—

"(1) liable for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, if none of the merchandise involved was a controlled substance; or

"(2) liable for a fine of not more than $250,000 or imprisonment for not more than 20 years, or both, if any of the merchandise involved was a controlled substance.

"(e) Seizure and Forfeiture.—

"(1) Except as provided in paragraph (2), a vessel or aircraft used in connection with, or in aiding or facilitating, any violation of this section, whether or not any person is charged in connection with such violation, may be seized and forfeited in accordance with the customs laws.

"(2) Paragraph (1) does not apply to a vessel or aircraft operated as a common carrier.

"(f) Definition of Merchandise.—As used in this section, the term 'merchandise' means only merchandise the importation of which into the United States is prohibited or restricted.

"(g) Intent of Transfer of Merchandise.—For purposes of imposing civil penalties under this section, any of the following acts, when performed within 250 miles of the territorial sea of the United States, shall be prima facie evidence that the transportation or possession of merchandise was unlawful and shall be presumed to constitute circumstances indicating that the purpose of the transfer is to make it possible for such merchandise, or any part thereof, to be introduced into the United States unlawfully, and for purposes of subsection (e) or section 596, shall be prima facie evidence that an aircraft or vessel was used in connection with, or to aid or facilitate, a violation of this section:

Post, p. 3207-87.

"(1) The operation of an aircraft or a vessel without lights during such times as lights are required to be displayed under applicable law.

"(2) The presence on an aircraft of an auxiliary fuel tank which is not installed in accordance with applicable law.

"(3) The failure to identify correctly—

"(A) the vessel by name or country of registration, or

"(B) the aircraft by registration number and country of registration,

when requested to do so by a customs officer or other government authority.

"(4) The external display of false registration numbers, false country of registration, or, in the case of a vessel, false vessel name.

"(5) The presence on board of unmanifested merchandise, the importation of which is prohibited or restricted.

"(6) The presence on board of controlled substances which are not manifested or which are not accompanied by the permits or licenses required under Single Convention on Narcotic Drugs or other international treaty.

100 STAT. 3207-86

"(7) The presence of any compartment or equipment which is built or fitted out for smuggling.

"(8) The failure of a vessel to stop when hailed by a customs officer or other government authority.".

SEC. 3121. SEIZURES.

Section 594 of the Tariff Act of 1930 (19 U.S.C. 1594) is amended to read as follows:

Vessels.
Aircraft and air carriers.
Motor vehicles.

"SEC. 594. SEIZURE OF CONVEYANCES.

"(a) In General.—Whenever—

"(1) any vessel, vehicle, or aircraft; or

"(2) the owner or operator, or the master, pilot, conductor, driver, or other person in charge of a vessel, vehicle, or aircraft;

is subject to a penalty for violation of the customs laws, the conveyance involved shall be held for the payment of such penalty and may be seized and forfeited and sold in accordance with the customs laws. The proceeds of sale, if any, in excess of the assessed penalty and expenses of seizing, maintaining, and selling the property shall be held for the account of any interested party.

"(b) Exceptions.—No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to seizure and forfeiture under the customs laws for violations relating to merchandise contained—

"(1) on the person;

"(2) in baggage belonging to and accompanying a passenger being lawfully transported on such conveyance; or

"(3) in the cargo of the conveyance if the cargo is listed on the manifest and marks, numbers, weights and quantities of the outer packages or containers agree with the manifest;

unless the owner or operator, or the master, pilot, conductor, driver or other person in charge participated in, or had knowledge of, the violation, or was grossly negligent in preventing or discovering the violation.

"(c) Prohibited Merchandise on Conveyance.—If any merchandise the importation of which is prohibited is found to be, or to have been—

"(1) on board a conveyance used as a common carrier in the transaction of business as a common carrier in one or more packages or containers—

"(A) that are not manifested (or not shown on bills of lading or airway bills); or

"(B) whose marks, numbers, weight or quantities disagree with the manifest (or with the bills of lading or airway bills); or

"(2) concealed in or on such a conveyance, but not in the cargo;

the conveyance may be seized, and after investigation, forfeited unless it is established that neither the owner or operator, master, pilot, nor any other employee responsible for maintaining and insuring the accuracy of the cargo manifest knew, or by the exercise of the highest degree of care and diligence could have known, that such merchandise was on board.

"(d) Definitions.—For purposes of this section—

"(1) The term 'owner or operator' includes—

"(A) a lessee or person operating a conveyance under a rental agreement or charter party; and

100 STAT. 3207-87

"(B) the officers and directors of a corporation;

"(C) station managers and similar supervisory ground personnel employed by airlines;

"(D) one or more partners of a partnership;

"(E) representatives of the owner or operator in charge of the passenger or cargo operations at a particular location; and

"(F) and other persons with similar responsibilities.

"(2) The term 'master' and similar terms relating to the person in charge of a conveyance includes the purser or other person on the conveyance who is responsible for maintaining records relating to the cargo transported in the conveyance.

"(e) Costs and Expenses of Seizure.—When a common carrier has been seized in accordance with the provisions of subsection (c) and it is subsequently determined that a violation of such subsection occurred but that the vessel will be released, the conveyance is liable for the costs and expenses of the seizure and detention.".

SEC. 3122. SEARCHES AND SEIZURES.

Section 595(a) of the Tariff Act of 1930 (19 U.S.C. 1595(a)) is amended to read as follows:

"(a) Warrant.—(1) If any officer or person authorized to make searches and seizures has probable cause to believe that—

"(A) any merchandise upon which the duties have not been paid, or which has been otherwise brought into the United States unlawfully;

"(B) any property which is subject to forfeiture under any provision of law enforced or administered by the United States Customs Service; or

"(C) any document, container, wrapping, or other article which is evidence of a violation of section 592 involving fraud or of any other law enforced or administered by the United States Customs Service, 19 USC 1592.

is in any dwelling house, store, or other building or place, he may make application, under oath, to any justice of the peace, to any municipal, county, State, or Federal judge, or to any Federal magistrate, and shall thereupon be entitled to a warrant to enter such dwelling house in the daytime only, or such store or other place at night or by day, and to search for and seize such merchandise or other article described in the warrant.

"(2) If any house, store, or other building or place, in which any merchandise or other article subject to forfeiture is found, is upon or within 10 feet of the boundary line between the United States and a foreign country, such portion thereof that is within the United States may be taken down or removed.".

SEC. 3123. FORFEITURES.

Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended—

(1) by striking out "the proviso to" in subsection (a) and inserting "subsection (b) or (c) of";

(2) by striking out "shall" in subsection (a) and inserting "may"; and

(3) by adding at the end thereof the following new subsection.

"(c) Any merchandise that is introduced or attempted to be introduced into the United States contrary to law (other than in violation of section 592) may be seized and forfeited.". 19 USC 1592.

100 STAT. 3207-88

SEC. 3124. PROCEEDS OF FORFEITED PROPERTY.

Section 613 of the Tariff Act of 1930 (19 U.S.C. 1613) is amended by adding at the end thereof the following new subsections:

"(c) Treatment of Deposits.—If property is seized by the Secretary under law enforced or administered by the Customs Service, or otherwise acquired under section 605, and relief from the forfeiture is granted by the Secretary, or his designee, upon terms requiring the deposit or retention of a monetary amount in lieu of the forfeiture, the amount recovered shall be treated in the same manner as the proceeds of sale of a forfeited item. 19 USC 1605.

"(d) Expenses.—In any judicial or administrative proceeding to forfeit property under any law enforced or administered by the Customs Service or the Coast Guard, the seizure, storage, and other expenses related to the forfeiture that are incurred by the Customs

Service or the Coast Guard after the seizure, but before the institution of, or during, the proceedings, shall be a priority claim in the same manner as the court costs and the expenses of the Federal marshal.".

SEC. 3125. COMPENSATION TO INFORMERS.

Section 619 of the Tariff Act of 1930 (19 U.S.C. 1619) is amended to read as follows:

"(a) IN GENERAL.—If—

"(1) any person who is not an employee or officer of the United States—

"(A) detects and seizes any vessel, vehicle, aircraft, merchandise, or baggage subject to seizure and forfeiture under the customs laws or the navigation laws and reports such detection and seizure to a customs officer, or

"(B) furnishes to a United States attorney, the Secretary of the Treasury, or any customs officer original information concerning—

"(i) any fraud upon the customs revenue, or

"(ii) any violation of the customs laws or the navigation laws which is being, or has been, perpetrated or contemplated by any other person; and

"(2) such detection and seizure or such information leads to a recovery of—

"(A) any duties withheld, or

"(B) any fine, penalty, or forfeiture of property incurred;

the Secretary may award and pay such person an amount that does not exceed 25 percent of the net amount so recovered.

"(b) FORFEITED PROPERTY NOT SOLD.—If—

"(1) any vessel, vehicle, aircraft, merchandise, or baggage is forfeited to the United States and is thereafter, in lieu of sale—

"(A) destroyed under the customs or navigation laws, or

"(B) delivered to any governmental agency for official use, and

"(2) any person would be eligible to receive an award under subsection (a) but for the lack of sale of such forfeited property,

the Secretary may award and pay such person an amount that does not exceed 25 percent of the appraised value of such forfeited property.

"(c) DOLLAR LIMITATION.—The amount awarded and paid to any person under this section may not exceed $250,000 for any case. 100 STAT. 3207-89

"(d) SOURCE OF PAYMENT.—Unless otherwise provided by law, any amount paid under this section shall be paid out of appropriations available for the collection of the customs revenue.

"(e) RECOVERY OF BAIL BOND.—For purposes of this section, an amount recovered under a bail bond shall be deemed a recovery of a fine incurred.".

SEC. 3126. FOREIGN LANDING CERTIFICATES.

Section 622 of the Tariff Act of 1930 (19 U.S.C. 1622) is amended by inserting before the period at the end thereof the following: ", or to comply with international obligations".

SEC. 3127. EXCHANGE OF INFORMATION WITH FOREIGN AGENCIES.

Part V of title IV of the Tariff Act of 1930 is amended by adding at the end thereof the following new section:

19 USC 1628.

"SEC. 628. EXCHANGE OF INFORMATION.

"(a) IN GENERAL.—The Secretary may by regulation authorize customs officers to exchange information or documents with foreign customs and law enforcement agencies if the Secretary reasonably believes the exchange of information is necessary to—

"(1) insure compliance with any law or regulation enforced or administered by the Customs Service;

"(2) administer or enforce multilateral or bilateral agreements to which the United States is a party;

"(3) assist in investigative, judicial and quasi-judicial proceedings in the United States; and

"(4) an action comparable to any of those described in paragraphs (1) through (4) undertaken by a foreign customs or law enforcement agency, or in relation to a proceeding in a foreign country.".

"(b) NONDISCLOSURE AND USES OF INFORMATION PROVIDED.—

"(1) Information may be provided to foreign customs and law enforcement agencies under subsection (a) only if the Secretary obtains assurances from such agencies that such information will be held in confidence and used only for the law enforcement purposes for which such information is provided to such agencies by the Secretary.

"(2) No information may be provided under subsection (a) to any foreign customs or law enforcement agency that has violated any assurances described in paragraph (1).".

SEC. 3128. INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.

Part V of title IV of the Tariff Act of 1930 is further amended by adding at the end thereof the following new section:

"SEC. 629. INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.

19 USC 1629.

"(a) IN GENERAL.—When authorized by treaty or executive agreement, the Secretary may station customs officers in foreign countries for the purpose of examining persons and merchandise prior to their arrival in the United States.

"(b) FUNCTIONS AND DUTIES.—Customs officers stationed in a foreign country under subsection (a) may exercise such functions and perform such duties (including inspections, searches, seizures and arrests) as may be permitted by the treaty, agreement or law of the country in which they are stationed.

"(c) COMPLIANCE.—The Secretary may by regulation require compliance with the customs laws of the United States in a foreign country and, in such a case the customs laws and other civil and criminal laws of the United States relating to the importation of merchandise, filing of false statements, and the unlawful removal of merchandise from customs custody shall apply in the same manner as if the foreign station is a port of entry within the customs territory of the United States.

100 STAT. 3207-90

International agreements.

"(d) SEIZURES.—When authorized by treaty, agreement or foreign law, merchandise which is subject to seizure or forfeiture under United States law may be seized in a foreign country and transported under customs custody to the customs territory to the United States to be proceeded against under the customs law.

International agreements.

"(e) STATIONING OF FOREIGN CUSTOMS OFFICERS IN THE UNITED STATES.—The Secretary of State, in coordination with the Secretary, may enter into agreements with any foreign country authorizing the stationing in the United States of customs officials of that country (if similar privileges are extended by that country to United States officials) for the purpose of insuring that persons and merchandise going directly to that country from the United States comply with the customs and other laws of that country governing the importation of merchandise. Any foreign customs official stationed in the United States under this subsection may exercise such functions and perform such duties as United States officials may be authorized to perform in that foreign country under reciprocal agreement.

"(f) APPLICATION OF CERTAIN LAWS.—When customs officials of a foreign country are stationed in the United States in accordance with subsection (e), and if similar provisions are applied to United States officials stationed in that country—

"(1) sections 111 and 1114 of title 18, United States Code, shall apply as if the officials were designated in those sections; and

"(2) any person who in any matter before a foreign customs official stationed in the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, is liable for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.".

PART 2—UNDERCOVER CUSTOMS OPERATIONS

19 USC 2081.

SEC. 3131. UNDERCOVER INVESTIGATIVE OPERATIONS OF THE CUSTOMS SERVICE.

(a) Certification Required for Exemption of Undercover Operations From Certain Laws.—With respect to any undercover investigative operation of the United States Customs Service (hereinafter in this section referred to as the "Service") which is necessary for the detection and prosecution of offenses against the United States which are within the jurisdiction of the Secretary of the Treasury—

(1) sums authorized to be appropriated for the Service may be used—

(A) to purchase property, buildings, and other facilities, and to lease space, within the United States, the District of Columbia, and the territories and possessions of the United States without regard to—

100 STAT. 3207-91

(i) sections 1341 and 3324 of title 31, United States Code,

(ii) sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22),

(iii) section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255),

(iv) the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), and

(v) section 304(a) and (c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and (c)), and

(B) to establish or to acquire proprietary corporations or business entities as part of the undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code;

(2) sums authorized to be appropriated for the Service and the proceeds from the undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code; and

(3) the proceeds from the undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3302 of title 31, United States Code;

only upon the written certification of the Commissioner of Customs (or, if designated by the Commissioner the Deputy or an Assistant Commissioner of Customs) that any action authorized by paragraph (1), (2), or (3) of this subsection is necessary for the conduct of such undercover operation.

(b) Liquidation of Corporations and Business Entities.—If a corporation or business entity established or acquired as part of an undercover operation under paragraph (1)(B) of subsection (a) with a net value over $50,000 is to be liquidated, sold, or otherwise disposed of, the Service, as much in advance as the Commissioner or his designee determines is practicable, shall report the circumstances to the Secretary of the Treasury and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) DEPOSIT OF PROCEEDS.—As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (2) and (3) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—(1) The Service shall conduct a detailed financial audit of each undercover investigative operation which is closed in each fiscal year, and

(A) submit the results of the audit in writing to the Secretary of the Treasury; and

(B) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit. Report.

(2) The Service shall also submit a report annually to the Congress specifying as to its undercover investigative operations— Report.

(A) the number, by programs, of undercover investigative operations pending as of the end of the 1-year period for which such report is submitted;

(B) the number, by programs, of undercover investigative operations commenced in the 1-year period preceding the period for which such report is submitted; and

(C) the number, by programs, of undercover investigative operations closed in the 1-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained and any civil claims made with respect thereto.

(e) DEFINITIONS.—For purposes of subsection (d)—

(1) The term "closed" refers to the earliest point in time at which—

(A) all criminal proceedings (other than appeals) are concluded, or

(B) covert activities are concluded, whichever occurs later.

(2) The term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Service.

(3) The terms "undercover investigative operation" and "undercover operation" mean any undercover investigative operation of the Service—

(A) in which—

(i) the gross receipts (excluding interest earned) exceed $50,000, or

(ii) expenditures (other than expenditures for salaries of employees) exceed $150,000; and

(B) which is exempt from section 3302 or 9102 of title 31, United States Code;

except that subparagraphs (A) and (B) shall not apply with respect to the report required under paragraph (2) of sub section (d).

PART 3—CUSTOMS SERVICE AUTHORIZATIONS AND FORFEITURE FUND

SEC. 3141. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1987 FOR THE UNITED STATES CUSTOMS SERVICE.

(a) AUTHORIZATIONS.—Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended as follows:

"(b)(1) There are authorized to be appropriated to the Department of the Treasury not to exceed $1,001,180,000 for the salaries and expenses of the United States Customs Service for fiscal year 1987; of which—

"(A) $749,131,000 is for salaries and expenses to maintain current operating levels, and includes such sums as may be necessary to complete the testing of the prototype of the automatic license plate reader program and to implement that program;

"(B) $80,999,000 is for the salaries and expenses of additional personnel to be used in carrying out drug enforcement activities; and

"(C) $171,050,000 is for the operation and maintenance of the air interdiction program of the Service, of which—

"(i) $93,500,000 is for additional aircraft, communications enhancements, and command, control, communications, and intelligence centers, and

"(ii) $350,000 is for a feasibility and application study for a low-level radar detection system in collaboration with the Los Alamos National Laboratory.

"(2) No part of any sum that is appropriated under the authority of paragraph (1) may be used to close any port of entry at which, during fiscal year 1986—

"(A) not less than 2,500 merchandise entries (including informal entries) were made; and

"(B) not less than $1,500,000 in customs revenues were assessed.".

Ante, p. 1874.

(b) Special Effective Date Rule.—If the bill H.R. 5300 (providing for reconciliation of the budget for fiscal year 1987) is enacted and includes an amendment to section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 which is identical to the amendment made by subsection (a) of this section, then the amendment made by subsection (a) shall have no effect.

SEC. 3142. CUSTOMS FORFEITURE FUND.

(a) Amendment.—Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended—

(1) by amending subsection (a)—

(A) by striking out "1987" in the first sentence and inserting "1991";

(B) by inserting "(including investigative costs leading to seizures)" after "seizure" in paragraph (1);

(C) by inserting "and" after the semicolon at the end of paragraph (4);

(D) by striking out paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending the last sentence to read as follows: "In addition to the purposes described in paragraphs (1) through (5), the fund is available for—

"(i) purchases by the Customs Service of evidence of—

"(I) smuggling of controlled substances, and

31 USC 5101 *et seq.*

"(II) violations of the currency and foreign transaction reporting requirements of chapter 51 of title 31, United States Code, if there is a substantial probability that the violations of these requirements are related to the smuggling of controlled substances;

"(ii) the equipping for law enforcement functions of any vessel, vehicle, or aircraft available for official use by the Customs Service;

"(iii) the reimbursement, at the discretion of the Secretary, of private citizens for expenses incurred by them in cooperating with the Customs Service in investigations and undercover law enforcement operations; and

Ante, p. 3207-88.

"(iv) the publicizing of the availability of rewards under section 619."; and

(2) by amending subsection (f) to read as follows:

"(f)(1) There are authorized to be appropriated from the fund for each of the fiscal years beginning with fiscal year 1987 not more than $20,000,000.

"(2) At the end of each of fiscal years 1987, 1988, 1989, and 1990, any amount in the fund in excess of $20,000,000 shall be deposited in the general fund of the Treasury. At the end of fiscal year 1991, any amount remaining in the fund shall be deposited in the general fund of the Treasury, and the fund shall cease to exist.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1986.

19 USC 1613b note.

PART 4—MISCELLANEOUS CUSTOMS AMENDMENTS

SEC. 3151. RECREATIONAL VESSELS.

Section 12109(b) of title 46, United States Code, is amended by adding at the end the following: "Such vessel must, however, comply with all customs requirements for reporting arrival under section 433 of the Tariff Act of 1930 (19 U.S.C. 1433) and all persons aboard such a pleasure vessel shall be subject to all applicable customs regulations.".

SEC. 3152. ASSISTANCE FOR CUSTOMS OFFICERS.

Section 3071 of the Revised Statutes of the United States (19 U.S.C. 507) is amended to read as follows:

"SEC. 3071. (a) Every customs officer shall—

"(1) upon being questioned at the time of executing any of the powers conferred upon him, make known his character as an officer of the Federal Government; and

"(2) have the authority to demand the assistance of any person in making any arrest, search, or seizure authorized by any law enforced or administered by customs officers, if such assistance may be necessary.

If a person, without reasonable excuse, neglects or refuses to assist a customs officer upon proper demand under paragraph (2), such person is guilty of a misdemeanor and subject to a fine of not more than $1,000.

Claims.

"(b) Any person other than an officer or employee of the United States who renders assistance in good faith upon the request of a customs officer shall not be held liable for any civil damages as a result of the rendering of such assistance if the assisting person acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances.".

SEC. 3153. REPORTS ON EXPORTS AND IMPORTS OF MONETARY INSTRUMENTS.

Section 5316(a)(2) of title 31, United States Code, is amended by striking out "$5,000" and inserting in lieu thereof "$10,000".

PART 5—AMENDMENTS TO THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT

SEC. 3161. POSSESSION, MANUFACTURE, OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATION.

(a) AMENDMENT TO ACT.—Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by inserting "POSSESSION," in the heading;

(2) by striking out "It shall" and inserting in lieu thereof "(a) It shall";

(3) by striking out "This section" and inserting in lieu thereof "(c) This section";

100 STAT. 3207–95

(4) by inserting "or into waters within a distance of 12 miles of the coast of the United States" after "United States" each place it appears in subsection (a); and

(5) by inserting after subsection (a) the following new subsection:

Aircraft and air carriers.

"(b) It shall be unlawful for any United States citizen on board any aircraft, or any person on board an aircraft owned by a United States citizen or registered in the United States, to—

"(1) manufacture or distribute a controlled substance; or

"(2) possess a controlled substance with intent to distribute.".

(b) CONFORMING AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking out "Manufacture" in the item relating to section 1009 and inserting in lieu thereof "Possession, manufacture".

Maritime Drug Law Enforcement Prosecution Improvements Act of 1986.
46 USC app. 1901 note.

Subtitle C—Maritime Drug Law Enforcement Prosecution Improvements Act of 1986

SEC. 3201. SHORT TITLE.

This subtitle may be cited as the "Maritime Drug Law Enforcement Prosecution Improvements Act of 1986".

SEC. 3202. IMPROVEMENT OF PUBLIC LAW 96–350.

The Act entitled "An Act to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes", approved September 15, 1980 (Public Law 96–350; 94 Stat. 1159) is amended by striking all after the enacting clause and inserting in lieu thereof the following:

46 USC app. 1901.

"That this Act may be cited as the 'Maritime Drug Law Enforcement Act'.

46 USC app. 1902.

"SEC. 2. The Congress finds and declares that trafficking in controlled substances aboard vessels is a serious international problem and is universally condemned. Moreover, such trafficking presents a specific threat to the security and societal well-being of the United States.

46 USC app. 1903.

"SEC. 3. (a) It is unlawful for any person on board a vessel of the United States, or on board a vessel subject to the jurisdiction of the United States, to knowingly or intentionally manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance.

"(b) For purposes of this section, a 'vessel of the United States' means—

46 USC 12101 *et seq.*
46 USC 12301 *et seq.*

"(1) a vessel documented under chapter 121 of title 46, United States Code, or a vessel numbered as provided in chapter 123 of that title;

"(2) a vessel owned in whole or part by—

"(A) the United States or a territory, commonwealth, or possession of the United States;

"(B) a State or political subdivision thereof;

"(C) a citizen or national of the United States; or

"(D) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States;

International agreements.
13 UST 2312.

unless the vessel has been granted the nationality of a foreign nation in accordance with article 5 of the 1958 Convention on the High Seas; and

100 STAT. 3207–96

"(3) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

"(c)(1) For purposes of this section, a 'vessel subject to the jurisdiction of the United States' includes—

"(A) a vessel without nationality;

"(B) a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of article 6 of the 1958 Convention on the High Seas;

13 UST 2312.

"(C) a vessel registered in a foreign nation where the flag nation has consented or waived objection to the enforcement of United States law by the United States;

"(D) a vessel located within the customs waters of the United States; and

"(E) a vessel located in the territorial waters of another nation, where the nation consents to the enforcement of United States law by the United States.

Consent or waiver of objection by a foreign nation to the enforcement of United States law by the United States under paragraph (C) or (E) of this paragraph may be obtained by radio, telephone, or similar oral or electronic means, and may be proved by certification of the Secretary of State or the Secretary's designee.

"(2) For purposes of this section, a 'vessel without nationality' includes—

"(A) a vessel aboard which the master or person in charge makes a claim of registry, which claim is denied by the flag nation whose registry is claimed; and

"(B) any vessel aboard which the master or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of nationality or registry for that vessel.

A claim of registry under subparagraph (A) may be verified or denied by radio, telephone, or similar oral or electronic means. The denial of such claim of registry by the claimed flag nation may be proved by certification of the Secretary of State or the Secretary's designee.

"(3) For purposes of this section, a claim of nationality or registry only includes:

"(A) possession on board the vessel and production of documents evidencing the vessel's nationality in accordance with article 5 of the 1958 Convention on the High Seas;

"(B) flying its flag nation's ensign or flag; or

"(C) a verbal claim of nationality or registry by the master or person in charge of the vessel.

Claims.

International agreements.

"(d) A claim of failure to comply with international law in the enforcement of this Act may be invoked solely by a foreign state, and a failure to comply with international law shall not divest a court of jurisdiction or otherwise constitute a defense to any proceeding under this Act.

"(e) This section does not apply to a common or contract carrier, or an employee thereof, who possesses or distributes a controlled substance in the lawful and usual course of the carrier's business or to a public vessel of the United States, or any person on board such a vessel who possesses or distributes a controlled substance in the lawful course of such person's duties, if the controlled substance is a part of the cargo entered in the vessel's manifest and is intended to be lawfully imported into the country of destination for scientific, medical, or other legitimate purposes. It shall not be necessary for the United States to negative the exception set forth in this subsection in any complaint, information, indictment, or other pleading or in any trial or other proceeding. The burden of going forward with the evidence with respect to this exception is upon the person claiming its benefit.

100 STAT. 3207-97

Courts, U.S.

"(f) Any person who violates this section shall be tried in the United States district court at the point of entry where that person enters the United States, or in the United States District Court of the District of Columbia.

"(g)(1) Any person who commits an offense defined in this section shall be punished in accordance with the penalties set forth in section 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 960).

"(2) Notwithstanding paragraph (1) of this subsection, any person convicted of an offense under this Act shall be punished in accordance with the penalties set forth in section 1012 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 962) if such offense is a second or subsequent offense as defined in section 1012(b) of that Act.

"(h) This section is intended to reach acts of possession, manufacture, or distribution committed outside the territorial jurisdiction of the United States.

"(i) The definitions in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) apply to terms used in this Act.

"(j) Any person who attempts or conspires to commit any offense defined in this Act is punishable by imprisonment or fine, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

46 USC app. 1904.

"SEC. 3. Any property described in section 511(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a)) that is used or intended for use to commit, or to facilitate the commission of, an offense under this Act shall be subject to seizure and forfeiture in the same manner as similar property seized or forfeited under section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881).".

Subtitle D—Coast Guard

SEC. 3251. COAST GUARD DRUG INTERDICTION ENHANCEMENT.

(a) ADDITIONAL AUTHORIZATIONS FOR THE COAST GUARD.—

(1) There are authorized to be appropriated for Acquisition, Construction, and Improvements of the Coast Guard, $89,000,000.

(2) There are hereby authorized to be appropriated for Operating Expenses of the Coast Guard, $39,000,000. This amount shall be used to increase the full-time equivalent strength level for the Coast Guard for active duty personnel for fiscal year 1987 to 39,220, and to increase the utilization rate of Coast Guard equipment.

100 STAT. 3207-98

(b) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized to be appropriated for the Coast Guard by this section are in addition to any amounts otherwise authorized by law.

(c) AUTHORIZATION ENHANCEMENT.—Nothing in this Act shall require the Coast Guard to recruit, compensate, train, purchase, or deploy any personnel or equipment except to the extent that—

(1) additional appropriations are made available in appropriations Acts for that purpose; or

(2) funds are transferred to the Secretary of Transportation for that purpose pursuant to this Act.

Subtitle E—United States-Bahamas Drug Interdiction Task Force

21 USC 801 note.

SEC. 3301. ESTABLISHMENT OF A UNITED STATES-BAHAMAS DRUG INTERDICTION TASK FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT OF A UNITED STATES-BAHAMAS DRUG INTERDICTION TASK FORCE.—(A) There is authorized to be established a United States-Bahamas Drug Interdiction Task Force to be operated jointly by the United States Government and the Government of the Bahamas.

(B) The Secretary of State, the Commandant of the Coast Guard, the Commissioner of Customs, the Attorney General, and the head of the National Narcotics Border Interdiction System (NNBIS), shall upon enactment of this Act, immediately commence negotiations with the Government of the Bahamas to enter into a detailed agreement for the establishment and operation of a new drug interdiction task force, including plans for (i) the joint operation and maintenance of any drug interdiction assets authorized for the task force in this section and section 3141, and (ii) any training and personnel enhancements authorized in this section and section 3141.

Report.

(C) The Attorney General shall report to the appropriate committees of Congress on a quarterly basis regarding the progress of the United States-Bahamas Drug Interdiction Task Force.

(2) AMOUNTS AUTHORIZED.—There are authorized to be appropriated, in addition to any other amounts authorized to be appropriated in this title, $10,000,000 for the following:

(A) $9,000,000 for 3 drug interdiction pursuit helicopters for use primarily for operations of the United States-Bahamas Drug Interdiction Task Force established under this section; and

(B) $1,000,000 to enhance communications capabilities for the operation of a United States-Bahamas Drug Interdiction Task Force established under this section.

(3) COAST GUARD-BAHAMAS DRUG INTERDICTION DOCKING FACILITY.—(A) There is authorized to be appropriated for acquisition, construction, and improvements for the Coast Guard for fiscal year 1987, $5,000,000, to be used for initial design engineering, and other activities for construction of a drug interdiction docking facility in the Bahamas to facilitate Coast Guard and Bahamian drug interdiction operations in and through the Bahama Islands. Of the amounts authorized to be appropriated in this subsection, such sums as may be necessary shall be available for necessary communication and air support.

100 STAT. 3207-99

(B) The Commandant of the Coast Guard shall use such amounts appropriated pursuant to the authorization in this paragraph as may be necessary to establish a repair, maintenance, and boat lift facility to provide repair and maintenance services for both Coast Guard and Bahamian marine drug interdiction equipment, vessels, and related assets.

(b) CONCURRENCE BY SECRETARY OF STATE.—Programs authorized by this section may be carried out only with the concurrence of the Secretary of State.

Subtitle F—Command, Control, Communications, and Intelligence Centers

SEC. 3351. ESTABLISHMENT OF COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE CENTERS (C-3I).

There are authorized to be appropriated $25,000,000 to the United States Customs Service for the establishment of command, control, communications, and intelligence (C-3I) centers, including sector operations centers and a national command, control, communications, and intelligence (C-3I) center, in locations within the United States. The coordination of the establishment and location of such C-3I centers shall be conducted by the Commissioner of Customs; together with the Commandant of the Coast Guard; the Attorney General of the United States; and the National Narcotics Border Interdiction System (NNBIS).

Subtitle G—Transportation Safety

SEC. 3401. AIR SAFETY.

(a)(1) Section 902(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(b)) is amended by adding at the end the following:

"(3) Nothing in this subsection or in any other provision of this Act shall preclude a State from establishing criminal penalties, including providing for forfeiture or seizure of aircraft, for a person who—

"(A) knowingly and willfully forges, counterfeits, alters, or falsely makes an aircraft registration certificate;

"(B) knowingly sells, uses, attempts to use, or possesses with intent to use a fraudulent aircraft registration certificate;

"(C) knowingly and willfully displays or causes to be displayed on any aircraft any marks that are false or misleading as to the nationality or registration of the aircraft; or

"(D) obtains an aircraft registration certificate from the administrator by knowingly and willfully falsifying, concealing or covering up a material fact, or making a false, fictitious, or fraudulent statement or representation, or making or using any false writing or document knowing the writing or document to contain any false, fictitious, or fraudulent statement or entry.".

(2) Section 501 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401) is amended by adding at the end the following new subsection:

"INSPECTION BY LAW ENFORCEMENT OFFICERS

"(g) The operator of an aircraft shall make available for inspection an aircraft's certificate of registration upon request by a Federal, State, or local law enforcement officer.".

(3) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 501. Registration of aircraft nationality."

is amended by adding at the end the following:

"(g) Inspection by law enforcement officers.".

49 USC app. 1472.

(b)(1) Subsection (q) of section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472(q)) is amended to read as follows:

"VIOLATIONS IN CONNECTION WITH TRANSPORTATION OF CONTROLLED SUBSTANCES

"(q)(1) It shall be unlawful, in connection with an act described in paragraph (2) and with knowledge of such act, for any person—

49 USC app. 1401.

"(A) who is the owner of an aircraft eligible for registration under section 501, to knowingly and willfully operate, attempt to operate, or permit any other person to operate such aircraft if the aircraft is not registered under section 501 or the certificate of registration of the aircraft is suspended or revoked, or if such person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

"(B) to operate or attempt to operate an aircraft eligible for registration under section 501 knowing that such aircraft is not registered under section 501, that the certificate of registration is suspended or revoked, or that such person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

"(C) to knowingly and willfully serve, or attempt to serve, in any capacity as an airman without a valid airman certificate authorizing such person to serve in such a capacity;

"(D) to knowingly and willfully employ for service or utilize any airman who does not possess a valid airman certificate authorizing such person to serve in such capacity;

"(E) to knowingly and willfully operate an aircraft in violation of any rule, regulation, or requirement issued by the Administrator of the Federal Aviation Administration with respect to the display of navigation or anticollision lights; and

"(F) to knowingly operate an aircraft with a fuel tank or fuel system that has been installed or modified on the aircraft, unless such tank or system and the installation or modification of such tank or system is in accordance with all applicable rules, regulations, and requirements of the Administrator.

"(2) The act referred to in paragraph (1) is the transportation by aircraft of any controlled substance or the aiding or facilitating of a controlled substance offense where such act is punishable by death or imprisonment for a term exceeding one year under a State or Federal law or is provided in connection with any act that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance).

"(3) A person violating this subsection shall be subject to a fine not exceeding $25,000, or imprisonment not exceeding 5 years, or both.

"(4) A person who, in connection with transportation described in paragraph (2), operates an aircraft on which a fuel tank or fuel system has been installed or modified and does not carry aboard the aircraft any certificate required to be issued by the Administrator for such installation or modification shall be presumed to have violated subparagraph (F) of paragraph (1).

"(5) In the case of a violation of subparagraph (F) of paragraph (1), the fuel tank or fuel system and the aircraft involved shall be subject to seizure and forfeiture. The provisions of law relating to—

"(A) the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws;

"(B) the disposition of such property or the proceeds from the sale thereof;

"(C) the remission or mitigation of such forfeitures; and

"(D) the compromise of claims and the award of compensation to informers in respect of such forfeitures;

shall apply to seizures and forfeitures under this paragraph. The Secretary may authorize such officers and agents as are necessary to carry out seizures and forfeitures under this paragraph and such officers and agents shall have the powers and duties given to customs officers with respect to the seizure and forfeiture of property under the customs laws.

"(6) For purposes of this subsection, the term 'controlled substance' has the meaning given to such term by section 102 of the Controlled Substances Act (21 U.S.C. 802).".

(2) That portion of the table of contents of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by striking the item relating to subsection (q) and inserting the following:

"(q) Violations in connection with transportation of controlled substances.".

(c) Section 904(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1474(a)) is amended—

49 USC app. 1474.

(1) by striking "$500" each place it appears and inserting in lieu thereof "$5,000";

(2) by inserting after the second sentence the following: "In addition to any other penalty, if any controlled substance described in section 584 of the Tariff Act of 1930 (19 U.S.C. 1584) is found on board of, or to have been unladen from, an aircraft subject to section 1109 (b) and (c) of this Act, the owner or person in charge of such aircraft shall be subject to the penalties provided for in section 584 of the Tariff Act of 1930 (19 U.S.C. 1584), unless such owner or person is able to demonstrate, by a preponderance of the evidenced, that such owner or person did not know, and could not, by the exercise of the

highest degree of care and diligence, have known, that any such controlled substance was on board."; and

(3) by amending the third sentence to read as follows: "In the case the violation is by the owner, operator, or person in command of the aircraft, any penalty imposed by this section shall be a lien against the aircraft.".

(d)(1) Section 1109 of the Federal Aviation Act of 1958 (49 App.

100 STAT. 3207-102

U.S.C. 1509) is amended by adding at the end thereof the following:

"REPORTING TRANSFER OF OWNERSHIP

"(f) Any person having an ownership interest in any aircraft for which a certificate of registration has been issued under this Act shall, upon the sale, conditional sale, transfer, or conveyance of such ownership interest, file with the Secretary of the Treasury within 15 days after such sale, conditional sale, transfer or conveyance such notice as the Secretary of the Treasury may by regulation require. The filing of a notice under this subsection shall not relieve any person from the filing requirements under section 501 or 503 of this Act.".

49 USC app. 1401, 1403.
Regulations.
49 USC app. 1509 note.

(2) Within 30 days after the date of enactment of subsection (f) of section 1109 of the Federal Aviation Act of 1958 as added by this subsection, the Secretary of the Treasury shall promulgate regulations establishing guidelines by which persons or classes of persons may apply for exemptions from the filing requirements of subsection (f) of section 1109. The Secretary of the Treasury may exempt such persons or classes of persons pursuant to such regulations.

(3) That portion of the table of contents of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 1109. Application of existing laws relating to foreign commerce."

is amended by adding at the end thereof the following:

"(f) Reporting transfer of ownership.".

23 USC 403 note.

SEC. 3402. DRUG AND HIGHWAY SAFETY.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine the relationship between the usage of controlled substances and highway safety. Such study shall include a simulation of driving conditions, emergency situations, and driver performance under various drug and dosage conditions. Such study shall determine the incidence of controlled substance usage in highway accidents resultng in fatalities and the dosage levels for controlled substances which are most likely to result in impairment of driver performance.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the results of the study conducted under subsection (a).

49 USC 11344 note.
Railroad.

SEC. 3403. SAVINGS PROVISION.

In any proceeding under section 11344 of title 49, United States Code, involving an application by a rail carrier (or a person controlled by or affiliated with a rail carrier) to acquire a motor carrier, the Interstate Commerce Commission, and any Federal court reviewing action of the Commission, shall follow the standards set forth in the Commission decision in Ex Parte No. 438 if the applicant rail carrier, between July 20, 1984, and September 30, 1986 (1) filed an application with the Commission to acquire a motor carrier, (2) entered into a contract or signed a letter of intent to acquire a motor carrier, or (3) made a public tender offer to acquire a motor carrier.

Contract.

Subtitle H—Department of Justice Funds for Drug Interdiction Operations in Hawaii

SEC. 3421. ADDITIONAL FUNDS FOR THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for fiscal year 1987, in addition to any other amounts authorized to be appropriated to the Department for such fiscal year, $7,000,000 for helicopters with forward looking infrared radiation detection devices for drug interdiction operations in Hawaii.

Subtitle I—Federal Communications Commission

SEC. 3451. COMMUNICATIONS.

47 USC 312a.

The Federal Communications Commission may revoke any private operator's license issued to any person under the Communications Act of 1934 (47 U.S.C. 151 et seq.) who is found to have willfully used said license for the purpose of distributing, or assisting in the distribution of, any controlled substance in violation of any provision of Federal law. In addition, the Federal Communications Commission may, upon the request of an appropriate Federal law enforcement agency, assist in the enforcement of Federal law prohibiting the use or distribution of any controlled substance where communications equipment within the jurisdiction of the Federal Communications Commission under the Communications Act of 1934 is willfully being used for purposes of distributing, or assisting in the distribution of, any such substance.

TITLE IV—DEMAND REDUCTION

Subtitle A—Treatment and Rehabilitation

Alcohol and Drug Abuse Amendments of 1986.
42 USC 201 note.

SEC. 4001. SHORT TITLE; REFERENCE.

(a) This subtitle may be cited as the "Alcohol and Drug Abuse Amendments of 1986".

(b) Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Public Health Service Act.

42 USC 201 note.

SEC. 4002. SPECIAL ALCOHOL ABUSE AND DRUG ABUSE PROGRAMS.

Title XIX is amended by inserting after part B the following new part:

PART C—EMERGENCY SUBSTANCE ABUSE TREATMENT AND PREVENTION REHABILITATION

"SPECIAL ALCOHOL ABUSE AND DRUG ABUSE PROGRAMS

State and local governments.
42 USC 300y.
Post, pp. 3207-112, 3207-113.
42 USC 300x-2.

"SEC. 1921. (a) To carry out this section and sections 1922, 1923, 508, and 509A there are authorized to be appropriated $241,000,000 for fiscal year 1987. Of the total amount appropriated under the preceding sentence for fiscal year 1987, 6 percent shall be added to and included with the amounts otherwise available under this part for allotments to States under section 1913 for such fiscal year, 70.5 percent shall be available for allotments to States under this section for such fiscal year, 4.5 percent shall be available for transfer to the Administrator of Veterans' Affairs under section 1922 for such fiscal year, 1 percent shall be available to carry out section 1923 for such fiscal year, and 18 percent shall be available to carry out sections 508 and 509A for such fiscal year.

"(b)(1) The allotment of a State under this section for a fiscal year shall be the sum of the amounts allotted to such State under paragraphs (2) and (3).

"(2) Forty-five percent of the amount available for allotment under this section for a fiscal year shall be allotted in accordance with this paragraph. The allotment of a State under this paragraph for a fiscal year shall be an amount which bears the same ratio to the total amount required pursuant to the preceding sentence to be allotted under this paragraph for such fiscal year as the population of such State bears to the population of all States, except that no such allotment shall be less than $50,000.

"(3) Fifty-five percent of the amount available for allotment under this section for a fiscal year shall be allotted by the Secretary to States on the basis of the need of each State for amounts for programs and activities for the treatment and rehabilitation of the alcohol abuse and drug abuse. In determining such need for each State under this paragraph, the Secretary shall consider—

"(A) the nature and extent, in the State and in particular areas of the State, of the demand for effective programs and activities for the treatment and rehabilitation of alcohol abuse and drug abuse;

"(B) the number of individuals in the State who abuse alcohol or drugs and the capacity of the State to provide treatment and rehabilitation for such individuals (as determined by the Secretary on the basis of the number of individuals who requested treatment for alcohol abuse and drug abuse in the State during the most recent calendar year ending prior to the date on which a statement is submitted by the State under subsection (d)); and

"(C) the ability of the State to provide additional services for the treatment and rehabilitation of alcohol abuse and drug abuse.

"(4) The Secretary shall make allotments to States under paragraph (2) for fiscal year 1987, and shall make payments to States under subsection (c) from such allotments, at the same time that the Secretary makes allotments and payments under sections 1913 and 1914, respectively, for such fiscal year. The Secretary shall make allotments to States under paragraph (3) for fiscal year 1987, and shall make payments to States under subsection (c) from such allotments, within four months after the date of enactment of the Alcohol and Drug Abuse Amendments of 1986.

42 USC 300x-2.
42 USC 300x-3.

"(c)(1) For each fiscal year, the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under paragraphs (2) and (3) of subsection (b) from amounts which are appropriated for that fiscal year and available for such allotments.

"(2) Any amount paid to a State under paragraph (1) for a fiscal year and remaining unobligated at the end of such fiscal year shall remain available to such State for the purposes for which it was made for the next fiscal year.

"(3) A State may not use amounts paid to it under its allotment under this section to—

"(A) provide inpatient hospital services,

"(B) make cash payments to intended recipients of health services,

"(C) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment,

"(D) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds, or

"(E) provide financial assistance to any entity other than a public or nonprofit private entity.

42 USC 300x.

"(4) The provisions of part B which are not inconsistent with this part shall apply with respect to allotments made under this section.

"(d) In order to receive an allotment for a fiscal year under subsection (b), each State shall submit an application to the Secretary requesting an allotment under subsection (b)(2) or (b)(3) or both. Each such application shall contain—

"(1) such information as the Secretary may prescribe, including information necessary for the Secretary to consider the matters specified in subparagraphs (A) through (D) of subsection (b)(3);

"(2) a description of the manner in which programs and activities conducted with payments under subsection (c) will be coordinated with other public and private programs and activities directed toward individuals who abuse alcohol and drugs;

"(3) assurances that, in the preparation of any statement under this section, the State will consult with local governments and public and private entities, including community based organizations, involved in the provision of services for the treatment and rehabilitation of alcohol abuse and drug abuse;

"(4) a description of the manner in which the State will evaluate programs and activities conducted with payments made to the State under subsection (c) and assurances that the State will report periodically to the Secretary on the results of such evaluations; and

"(5) assurances that payments made to the State under subsection (c) will supplement and not supplant any State or local expenditures for the treatment and rehabilitation of alcohol abuse and drug abuse that would have been made in the absence of such payments.

"(e) Except as provided in subsections (f) and (i), amounts paid to a State under subsection (c) may be used by the State for alcohol abuse and drug abuse treatment and rehabilitation programs and activities, including—

"(1) activities to increase the availability and outreach of programs provided by major treatment centers and regional branches of such centers which provide services in a State in order to reach the greatest number of people;

"(2) activities to expand the capacity of alcohol abuse and drug abuse treatment and rehabilitation programs and facilities to provide treatment and rehabilitation services for alcohol abusers and drug abusers who have been refused treatment due to lack of facilities or personnel;

"(3) activities to provide access to vocational training, job counseling, and education equivalency programs to alcohol abusers and drug abusers in need of such services in order to enable such abusers to become productive members of society; and

"(f) Of the total amount paid to any State under subsection (c) for a fiscal year, not more than 2 percent may be used for administering the funds made available under such subsection. The State will pay from non-Federal sources the remaining costs of administering such funds.

"(g) The Secretary may provide training and technical assistance to States in planning and operating activities to be carried out under this section.

"(h) The Secretary may conduct data collection activities to enable the Secretary to carry out this section.

"TRANSFER TO THE ADMINISTRATOR OF VETERANS' AFFAIRS

42 USC 300y-1.

"SEC. 1922. The Secretary shall transfer to the Administrator of Veterans' Affairs the amount which, under the second sentence of section 1921(a), is available for such transfer. The amount transferred pursuant to the preceding sentence shall be used for outpatient treatment, rehabilitation, and counseling under section 612 of title 38, United States Code, of veterans for their alcohol or drug abuse dependence or abuse disabilities and for contract care and services under section 620A of such title for veterans for such disabilities.

"TREATMENT PROGRAM EVALUATIONS

42 USC 300y-2.

"SEC. 1923. One percent of the total amount appropriated under section 1921(a) for any fiscal year shall be used by the Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, to develop and evaluate alcohol and drug abuse treatment programs to determine the most effective forms of treatment. Such programs may be developed and evaluated through grants, contracts, and cooperative agreements provided to nonprofit private entities. In carrying out this section, the Secretary shall assess the comparative effectiveness of various treatment forms for specific patient groups.".

Grants.
Contracts.

SEC. 4003. TECHNICAL REVISION OF ADAMHA.

Section 501 (42 U.C.S. 290aa) is amended to read as follows:

"ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

"SEC. 501. (a) The Alcohol, Drug Abuse, and Mental Health Administration is an agency of the Service.

"(b) The following entities are agencies of the Alcohol, Drug Abuse, and Mental Health Administration:

"(1) The National Institute on Alcohol Abuse and Alcoholism.

"(2) The National Institute on Drug Abuse.

"(3) The National Institute of Mental Health.

"(c)(1) The Alcohol, Drug Abuse, and Mental Health Administration shall be headed by an Administrator (hereinafter in this title referred to as the 'Administrator') who shall be appointed by the President by and with the advice and consent of the Senate.

(2) The Administrator, with the approval of the Secretary, may appoint a Deputy Administrator and may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the activities to be carried out through the Administration.

"(d) The Secretary, acting through the Administrator—

"(1) shall supervise the functions of the agencies of the Administration in order to assure that the programs carried out through each such agency recieve appropriate and equitable support and that there is cooperation among the agencies in the implementation of such programs;

"(2) shall assure that research at or supported by the Administration and each of its agencies is subject to review in accordance with section 507 and is in compliance with section 509A; and

Post, p. 3207-109.
Post, p. 3207-113.

"(3) shall assure that research on neuronal receptors and their role in mental health and substance abuse is provided adequate support.

"(e)(1) There shall be in the Administration an Associate Administrator for Prevention to whom the Administrator shall delegate the function of promoting the prevention research programs of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and coordinating such programs between the Institutes and between the Institutes and other public and private entities.

Report.

"(2) The Administrator, acting through the Associate Administrator for Prevention, shall annually submit to the Congress a report describing the prevention activities (including preventive medicine and health promotion) undertaken by the Administration and its agencies. The report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

Fraud.

"(f) The Administrator shall establish a process for the prompt and appropriate response to information provided the Administrator respecting (1) scientific fraud in connection with projects for which funds have been made available under this title, and (2) incidences of violations of the rights of human subjects of research for which funds have been made available under this title. The process shall include procedures for the receiving of reports of such information from recipients of funds under this title and taking appropriate action with respect to such fraud and violations.

Grants.

"(g) The Secretary, acting through the Administrator, shall make grants to schools of the health professions and schools of social work to support the training of students in such schools in the identification and treatment of alcohol and drug abuse. Grants under this subsection shall be made from funds available under this title and section 303.

42 USC 242a.

"(h) To educate the public with respect to the health hazards of alcoholism, alcohol abuse, and drug abuse, the Administrator shall use the clearinghouse established under section 508(c) to take such actions as may be necessary to ensure the widespread dissemination of current publications of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse relating to the most recent research findings with respect to such health hazards.

Post, p. 3207-112.

"(i)(1) The Administrator may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than 20 experts or consultants who have scientific or professional qualifications. Such experts and consultants shall be obtained for the Administration and for each of its agencies.

"(2)(A) Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a)(1), 5724a(a)(3), and 5726(c) of title 5, United States Code.

100 STAT. 3207-108

"(B) Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1), unless and until the expert or consultant agrees in writing to complete the entire period of assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond the control of the expert or consultant that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a debt of the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"(j) The Administrator shall, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of section 507 and appoint and pay members of such groups, except that officers and employees of the United States shall not receive additional compensation for services as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under this subsection.

5 USC 5101.
5 USC 5331.
Post, p. 3207-109.
5 USC app.

"(k)(1) The Alcohol, Drug Abuse, and Mental Health Advisory Board (hereinafter in this subsection referred to as the 'Board') shall—

"(A) periodically assess the national needs for alcoholism, alcohol abuse, drug abuse, and mental health services and the extent to which those needs are being met by State, local, and private programs and programs receiving funds under this title and parts B and C of title XIX, and

"(B) provide advice to the Secretary and the Administrator respecting activities carried out under this title and parts B and C of title XIX.

42 USC 300x; *ante*, p. 3207-103.

"(2)(A) The Board shall consist of 15 members appointed by the Secretary and such ex officio members from the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health as the Secretary may designate. Of the members appointed to the Board, at least 6 members shall represent State and private, nonprofit providers of prevention and treatment services for alcoholism, alcohol abuse, drug abuse, and mental illness, at least 6 members shall be individuals with expertise in public education and prevention services for alcoholism, alcohol abuse, drug abuse, and mental illness, and at least 3 members shall be appointed from members of the general public who are knowledgeable about alcoholism, alcohol abuse, drug abuse, and mental illness.

"(B) The term of office of a member appointed to the Board is 4 years, except that of the members first appointed to the Board—

"(i) 5 shall serve for terms of 1 year,

"(ii) 5 shall serve for terms of 2 years,

"(iii) 5 shall serve for terms of 3 years,

as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until the successor of the member has taken office.

"(3)(A) Except as provided in subparagraph (B), members of the Board shall (i) be paid not more than the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board, and (ii) while away from their homes or regular places of business and while serving in the business of the Board, be entitled to receive transportation expenses as prescribed by section 5703 of title 5, United States Code. 5 USC 5331.

"(B) Members of the Board who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Board.

"(4) The Board may appoint such staff personnel as the Board considers appropriate.

"(5) The Secretary shall designate the chairman of the Board.

"(6) The Board shall meet at least 3 times each calendar year.

Report.

"(7) The Board shall report annually to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on its activities during the prior year and shall include in such report such recommendations for legislation and administrative action as it deems appropriate.".

SEC. 4004. ADVISORY COUNCILS.

42 USC 290aa-4, 290aa-5.

(a) Part A of title V is amended by redesignating sections 505 and 506 as sections 506 and 507, respectively, and by inserting after section 504 the following new section:

"ADVISORY COUNCILS

42 USC 290aa-3a.

"SEC. 505. (a)(1) The Secretary shall appoint an advisory council for the National Institute on Alcohol Abuse and Alcoholism, for the National Institute on Drug Abuse, and for the National Institute of Mental Health. Each such advisory council shall advise, consult with, and make recommendations to the Secretary and the Director of the Institute for which it was appointed on matters relating to the activities carried out by and through the Institute and the policies respecting such activities.

"(2) Each advisory council for an Institute may recommend to the Secretary acceptance, in accordance with section 2101, of conditional gifts for— 42 USC 300aa.

"(A) study, investigation, or research respecting the diseases, disorders, or other aspect of human health with respect to which the Institute was established;

"(B) the acquisition of grounds for the Institute; or

"(C) the construction, equipping, or maintenance of facilities for the Institute.

"(3) Each advisory council for an Institute—

"(A)(i) may on the basis of the materials provided under section 507(d)(2) respecting research conducted at the Institute, make recommendations to the Director of the Institute respecting such research; *Supra.*

"(ii) shall review applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 507(e)(2), and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge; and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Institute;

"(B) may collect, by correspondence or by personal investigation, information as to studies which are being carried on in the United States or any other country as to the diseases, disorders, or other aspect of human health with respect to which the Institute was established and with the approval of the Director of the Institute make available such information through appropriate publications for the benefit of public and private health entities and health professions personnel and scientists and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b)(1) Each advisory council shall consist of nonvoting ex officio members and not more than 12 members appointed by the Secretary.

"(2) The ex officio members of an advisory council shall consist of—

"(A) the Secretary, the Administrator, the Director of the Institute for which the advisory council is established, the Chief Medical Director of the Veterans' Administration, and the Assistant Secretary of Defense for Health Affairs (or the designees of such officers), and

"(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

"(3) The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Nine of the members shall be appointed by the Secretary from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the Institute for which the advisory council is established.

"(B) Three of the members shall be appointed by the Secretary from the general public and shall include leaders in fields of public policy, public relations, law, health policy, economics, and management.

"(4) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule. 5 USC 5331.

"(c) The term of office of an appointed member of an advisory council is 4 years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such manner as to ensure that the terms of the members do not all expire in the same year. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of 4 years may not be reappointed to an advisory council before 2 years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within 90 days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of the Institute for which the advisory council is established to be the chairman of the advisory council. The term of office of chairman shall be 2 years.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the Institute for which it was established, but at least 3 times each fiscal year. The location of the meetings of each advisory council is subject to the approval of the Director of the Institute for which the advisory council was established.

"(f) The Director of the Institute for which an advisory council is established shall designate a member of the staff of the Institute to serve as the executive secretary of the advisory council. The Director of the Institute shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions. The Director of the Institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.".

42 USC 290aa-3a note.

(b) The amendment made by subsection (a) does not terminate the membership of any advisory council for the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, or the National Institute of Mental Health which was in existence on the date of enactment of this Act. After such date—

(1) the Secretary of Health and Human Services shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition for such council prescribed by section 505 of the Public Health Service Act;

(2) each advisory council shall organize itself in accordance with such section and exercise the functions prescribed by such section; and

(3) the Director of each such institute shall perform for such advisory council the functions prescribed by such section.

42 USC 218.

(c) Section 217 is amended—

(1) by striking out subsections (a), (b), (c), and (d);

(2) by striking out "(e)(1)" and inserting in lieu thereof "(a)";

(3) by striking out "(2)" and inserting in lieu thereof "(b)";

(4) by striking out "(3)" and inserting in lieu thereof "(c)";

(5) by striking out "(4)" and inserting in lieu thereof "(d)"; and

(6) by redesignating clauses (A) and (B) of subsection (c) (as redesignated by the amendment made by paragraph (1) of this subsection) as clauses (1) and (2), respectively.

SEC. 4005. OFFICE FOR SUBSTANCE ABUSE PREVENTION.

(a) Part A of title V (as amended by section 4004 of this Act) is further amended by adding at the end thereof the following new sections:

"OFFICE FOR SUBSTANCE ABUSE PREVENTION

42 USC 290aa-6.

"SEC. 508. (a) There is established in the Administration an Office for Substance Abuse Prevention (hereafter in this part referred to as the 'Office'). The Office shall be headed by a Director appointed by the Secretary from individuals with extensive experience or academic qualifications in the prevention of drug or alcohol abuse.

"(b) The Director of the Office shall—

"(1) sponsor regional workshops on the prevention of drug and alcohol abuse;

"(2) coordinate the findings of research sponsored by agencies of the Service on the prevention of drug and alcohol abuse;

"(3) develop effective drug and alcohol abuse prevention literature (including literature on the adverse effects of cocaine free base (known as 'crack'));

"(4) in cooperation with the Secretary of Education, assure the widespread dissemination of prevention materials among States, political subdivisions, and school systems;

"(5) support programs of clinical training of substance abuse counselors and other health professionals;

"(6) in cooperation with the Director of the Centers for Disease Control, develop educational materials to reduce the risks of acquired immune deficiency syndrome among intravenous drug abusers;

"(7) conduct training, technical assistance, data collection, and evaluation activities of programs supported under the Drug Free Schools and Communities Act of 1986;

Post, p. 3207-125.

"(8) support the development of model, innovative, community-based programs to discourage alcohol and drug abuse among young people; and

"(9) prepare for distribution documentary films and public service announcements for television and radio to educate the public concerning the dangers to health resulting from the consumption of alcohol and drugs and, to the extent feasible, use appropriate private organizations and business concerns in the preparation of such announcements.

Grants.
Contracts.

"(c) The Director may make grants and enter into contracts and cooperative agreements in carrying out subsection (b).

"(d) Of the amounts available under the second sentence of section 1921(a) to carry out this section and section 509A, $20,000,000 shall be available to carry out section 509A.

Post, p. 3207-113.

"ALCOHOL AND DRUG ABUSE INFORMATION CLEARINGHOUSE

State and local governments.
42 USC 290aa-7.

"SEC. 509. The Secretary, through the Director of the Office, shall establish a clearinghouse for alcohol and drug abuse information to assure the widespread dissemination of such information to States, political subdivisions, educational agencies and institutions, health and drug treatment and rehabilitation networks, and the general public. The clearinghouse shall—

"(1) disseminate publications by the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the Department of Education concerning alcohol abuse and drug abuse;

"(2) disseminate accurate information concerning the health effects of alcohol abuse and drug abuse;

"(3) collect and disseminate information concerning successful alcohol abuse and drug abuse education and prevention curricula; and

"(4) collect and disseminate information on effective and ineffective school-based alcohol abuse and drug abuse education and prevention programs, particularly effective programs which stress that the use of illegal drugs and the abuse of alcohol is wrong and harmful.

"PREVENTION, TREATMENT, AND REHABILITATION MODEL PROJECTS FOR HIGH RISK YOUTH

Grants.
42 USC 290aa-8.

"SEC. 509A. (a) The Secretary, through the Director of the Office, shall make grants to public and nonprofit private entities for projects to demonstrate effective models for the prevention, treatment, and rehabilitation of drug abuse and alcohol abuse among high risk youth.

"(b)(1) In making grants for drug abuse and alcohol abuse prevention projects under this section, the Secretary shall give priority to applications for projects directed at children of substance abusers, latchkey children, children at risk of abuse or neglect, preschool children eligible for services under the Head Start Act, children at risk of dropping out of school, children at risk of becoming adolescent parents, and children who do not attend school and who are at risk of being unemployed.

42 USC 9801 note.

"(2) In making grants for drug abuse and alcohol abuse treatment and rehabilitation projects under this section, the Secretary shall give priority to projects which address the relationship between drug abuse or alcohol abuse and physical child abuse, sexual child abuse, emotional child abuse, dropping out of school, unemployment, delinquency, pregnancy, violence, suicide, or mental health problems.

"(3) In making grants under this section, the Secretary shall give priority to applications from community based organizations for projects to develop innovative models with multiple, coordinated services for the prevention or for the treatment and rehabilitation of drug abuse or alcohol abuse by high risk youth.

"(4) In making grants under this section, the Secretary shall give priority to applications for projects to demonstrate effective models with multiple, coordinated services which may be replicated and which are for the prevention or for the treatment and rehabilitation of drug abuse or alcohol abuse by high risk youth.

"(c) To the extent feasible, the Secretary shall make grants under this section in all regions of the United States, and shall ensure the distribution of grants under this section among urban and rural areas.

State and local governments.

"(d) In order to receive a grant for a project under this section for a fiscal year, a public or nonprofit private entity shall submit an application to the Secretary, acting through the Office. The Secretary may provide to the Governor of the State the opportunity to review and comment on such application. Such application shall be in such form, shall contain such information, and shall be submitted at such time as the Secretary may by regulation prescribe.

"(e) The Director of the Office shall evaluate projects conducted with grants under this section.

"(f) For purposes of this section, the term 'high risk youth' means an individual who has not attained the age of 21 years, who is at high risk of becoming, or who has become, a drug abuser or an alcohol abuser, and who—

"(1) is identified as a child of a substance abuser;
"(2) is a victim of physical, sexual, or psychological abuse;
"(3) has dropped out of school;
"(4) has become pregnant;
"(5) is economically disadvantaged;
"(6) has committed a violent or delinquent act;
"(7) has experienced mental health problems;
"(8) has attempted suicide; or
"(9) is disabled by injuries.".

42 USC 290aa-1.
42 USC 290aa-2.

(b)(1) Section 502(e) is repealed.

(2) Section 503(d) is amended—

(A) by inserting "and" at the end of paragraph (2);

(B) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

SEC. 4006. PUBLIC HEALTH EMERGENCIES.

Part A of title V (as amended by sections 4004 and 4005 of this Act) is further amended by adding at the end thereof the following:

"RESEARCH ON PUBLIC HEALTH EMERGENCIES

"SEC. 509B. (a) If the Secretary determines, after consultation with the Administrator, the Commissioner of Food and Drugs, or the Director of the Centers for Disease Control, that a disease or disorder within the jurisdiction of an Institute of the Administration constitutes a public health emergency, the Secretary, acting through the Administrator— Grants. 42 USC 290aa-9.

"(1) shall expedite the review by advisory councils and by peer review groups of applications for grants for research on such disease or disorder or proposals for contracts for such research; Contracts.

"(2) shall exercise the authority in section 3709 of the Revised Statutes (41 U.S.C. 5) respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research;

"(3) may provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder; and

"(4) shall disseminate, to health professionals and the public, information on the cause, prevention, and treatment of such disease or disorder that has been developed in research assisted under this section.

The amount of an increase in a grant or contract provided under paragraph (3) may not exceed one-half the original amount of the grant or contract.

"(b) Not later than 90 days after the end of a fiscal year, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on actions taken under subsection (a) in such fiscal year if any actions were taken under such subsection in such fiscal year.". Report.

100 STAT. 3207-115

SEC. 4007. PEER REVIEW.

Subsection (b) of section 507 (as redesignated by section 4004(a) of this Act) is amended by inserting "applications made for" after "review of" in the matter preceding paragraph (1). 42 USC 290aa-5.

SEC. 4008. NATIONAL ALCOHOL RESEARCH CENTERS.

Section 511(b) is amended— 42 USC 290bb-1.

(1) by striking out "or rental" before "any land"; and

(2) by striking out "rental," before "purchase".

SEC. 4009. EXPANSION OF DRUG ABUSE RESEARCH.

Section 515(a) is amended— 42 USC 290cc.

(1) by striking out "and" after the semicolon in paragraph (4);

(2) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) effective methods of drug abuse prevention, treatment, and rehabilitation, particularly methods of intervention to treat abuse of specific drugs; and"; and

(3) by adding at the end thereof the following:

"(6) the development of chemical antidotes and narcotic antagonists for use in the treatment of cocaine and heroin addiction.".

SEC. 4010. RESEARCH AUTHORIZATION.

(a) Section 513 is amended to read as follows: 42 USC 290bb-2.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 513. There are authorized to be appropriated to carry out this subpart $69,000,000 for fiscal year 1987.".

42 USC 290cc-2.

(b) Section 517 is amended to read as follows:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 517. There are authorized to be appropriated to carry out this subpart $129,000,000 for fiscal year 1987.".

SEC. 4011. SUICIDE.

42 USC 290aa-3.

(a) Section 504 is amended by adding at the end thereof the following new subsection:

"(h) The Director shall—

"(1) develop and publish information respecting the causes of suicide and the means of preventing suicide; and

"(2) make such information generally available to the public and health professionals.

Information developed, published, and distributed under this subsection shall especially relate to suicide among individuals under the age of 21.".

Report.
42 USC 290aa-3 note.

(b) Not later than one year after the date of enactment of this Act, the Director of the National Institute of Mental Health shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives on the activities undertaken under section 504(h) of the Public Health Service Act and shall include in such report an assessment of the effectiveness of such activities.

SEC. 4012. MENTAL HEALTH NEEDS OF THE ELDERLY.

42 USC 290aa-3.

Section 504(c) is amended by adding at the end thereof the following: "Special consideration shall be given to programs for training and research on the mental health needs of the elderly.".

SEC. 4013. TECHNICAL AMENDMENT.

42 USC 290aa-3.

Section 504(e) is amended by striking out the period at the end of paragraph (2)(A) and inserting in lieu thereof a semicolon.

SEC. 4014. INFANT FORMULAS.

21 USC 350a.

(a) Section 412 of the Federal Food, Drug, and Cosmetic Act is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (g), (h), and (i), respectively,

(2) by amending the last sentence of paragraph (1) of subsection (g) (as so redesignated) to read as follows: "Such records shall be retained for at least one year after the expiration of the shelf life of the infant formula.",

(3) by striking out "(a) and (b)" in the first sentence of subsection (h)(1) (as so redesignated) and inserting in lieu thereof "(a), (b), and (c)",

(4) by striking out "(c)(1)" in the second sentence of such subsection and inserting in lieu thereof "(e)(1)",

(5) by striking out "(e)(1)(B)" in such sentence and inserting in lieu thereof "(d)(1)(B)",

(6) by striking out "(a) and (b)" in subsection (h)(2) (as so redesignated) and inserting in lieu thereof "(a), (b), and (c)", and

(7) by striking out subsections (a) through (d) and inserting in lieu thereof the following:

"(a) An infant formula, including an infant formula powder, shall be deemed to be adulterated if—

"(1) such infant formula does not provide nutrients as required by subsection (i), "(2) such infant formula does not meet the quality factor requirements prescribed by the Secretary under subsection (b)(1), or

"(3) the processing of such infant formula is not in compliance with the good manufacturing practices and the quality control procedures prescribed by the Secretary under subsection (b)(2).

"(b)(1) The Secretary shall by regulation establish requirements for quality factors for infant formulas to the extent possible consistent with current scientific knowledge, including quality factor requirements for the nutrients required by subsection (i).

"(2)(A) The Secretary shall by regulation establish good manufacturing practices for infant formulas, including quality control procedures that the Secretary determines are necessary to assure that an infant formula provides nutrients in accordance with this subsection and subsection (i) and is manufactured in a manner designed to prevent adulteration of the infant formula.

"(B) The good manufacturing practices and quality control procedures prescribed by the Secretary under subparagraph (A) shall include requirements for—

"(i) the testing, in accordance with paragraph (3) and by the manufacturer of an infant formula or an agent of such manufacturer, of each batch of infant formula for each nutrient required by subsection (i) before the distribution of such batch,

"(ii) regularly scheduled testing, by the manufacturer of an infant formula or an agent of such manufacturer, of samples of infant formulas during the shelf life of such formulas to ensure that such formulas are in compliance with this section,

"(iii) in-process controls including, where necessary, testing required by good manufacturing practices designed to prevent adulteration of each batch of infant formula, and

"(iv) the conduct by the manufacturer of an infant formula or an agent of such manufacturer of regularly scheduled audits to determine that such manufacturer has complied with the regulations prescribed under subparagraph (A).

In prescribing requirements for audits under clause (iv), the Secretary shall provide that such audits be conducted by appropriately trained individuals who do not have any direct responsibility for the manufacture or production of infant formula.

"(3)(A) At the final product stage, each batch of infant formula shall be tested for vitamin A, vitamin B1, vitamin C, and vitamin E to ensure that such infant formula is in compliance with the requirements of this subsection and subsection (i) relating to such vitamins.

"(B) Each nutrient premix used in the manufacture of an infant formula shall be tested for each relied upon nutrient required by subsection (i) which is contained in such premix to ensure that such premix is in compliance with its specifications or certifications by a premix supplier.

"(C) During the manufacturing process or at the final product stage and before distribution of an infant formula, an infant formula shall be tested for all nutrients required to be included in such formula by subsection (i) for which testing has not been conducted pursuant to subparagraph (A) or (B). Testing under this subparagraph shall be conducted to—

"(i) ensure that each batch of such infant formula is in compliance with the requirements of subsection (i) relating to such nutrients, and

"(ii) confirm that nutrients contained in any nutrient premix used in such infant formula are present in each batch of such infant formula in the proper concentration.

"(D) If the Secretary adds a nutrient to the list of nutrients in the table in subsection (i), the Secretary shall by regulation require that the manufacturer of an infant formula test each batch of such formula for such new nutrient in accordance with subparagraph (A), (B), or (C).

"(E) For purposes of this paragraph, the term 'final product stage' means the point in the manufacturing process, before distribution of an infant formula, at which an infant formula is homogenous and is not subject to further degradation.

Regulations.

"(4)(A) The Secretary shall by regulation establish requirements respecting the retention of records. Such requirements shall provide for—

"(i) the retention of all records necessary to demonstrate compliance with the good manufacturing practices and quality control procedures prescribed by the Secretary under paragraph (2), including records containing the results of all testing required under paragraph (2)(B),

"(ii) the retention of all certifications or guarantees of analysis by premix suppliers,

"(iii) the retention by a premix supplier of all records necessary to confirm the accuracy of all premix certifications and guarantees of analysis,

"(iv) the retention of—

"(I) all records pertaining to the microbiological quality and purity of raw materials used in infant formula powder and in finished infant formula, and

"(II) all records pertaining to food packaging materials which show that such materials do not cause an infant formula to be adulterated within the meaning of section 402(a)(2)(C),

"(v) the retention of all records of the results of regularly scheduled audits conducted pursuant to the requirements prescribed by the Secretary under paragraph (2)(B)(iv), and

"(vi) the retention of all complaints and the maintenance of files with respect to, and the review of, complaints concerning infant formulas which may reveal the possible existence of a hazard to health.

"(B)(i) Records required under subparagraph (A) with respect to an infant formula shall be retained for at least one year after the expiration of the shelf life of such infant formula. Except as provided in clause (ii), such records shall be made available to the Secretary for review and duplication upon request of the Secretary.

"(ii) A manufacturer need only provide written assurances to the Secretary that the regularly scheduled audits required by paragraph (2)(B)(iv) are being conducted by the manufacturer, and need not make available to the Secretary the actual written reports of such audits.

"(c)(1) No person shall introduce or deliver for introduction into interstate commerce any new infant formula unless—

"(A) such person has, before introducing such new infant formula, or delivering such new infant formula for introduction, into interstate commerce, registered with the Secretary the name of such person, the place of business of such person, and all establishments at which such person intends to manufacture such new infant formula, and

"(B) such person has at least 90 days before marketing such new infant formula, made the submission to the Secretary required by subsection (c)(1).

"(2) For purposes of paragraph (1), the term 'new infant formula' includes—

"(A) an infant formula manufactured by a person which has not previously manufactured an infant formula, and

"(B) an infant formula manufactured by a person which has previously manufactured infant formula and in which there is a major change, in processing or formulation, from a current or any previous formulation produced by such manufacturer.

For purposes of this paragraph, the term 'major change' has the meaning given to such term in section 106.30(c)(2) of title 21, Code of

Federal Regulations (as in effect on August 1, 1986), and guidelines issued thereunder.

"(d)(1) A person shall, with respect to any infant formula subject to subsection (c), make a submission to the Secretary which shall include—

"(A) the quantitative formulation of the infant formula,

"(B) a description of any reformulation of the formula or change in processing of the infant formula,

"(C) assurances that the infant formula will not be marketed unless it meets the requirements of subsections (b)(1) and (i), as demonstrated by the testing required under subsection (b)(3), and

"(D) assurances that the processing of the infant formula complies with subsection (b)(2).

"(2) After the first production of an infant formula subject to subsection (c), and before the introduction into interstate commerce of such formula, the manufacturer of such formula shall submit to the Secretary, in such form as may be prescribed by the Secretary, a written verification which summarizes test results and records demonstrating that such formula complies with the requirements of subsections (b)(1), (b)(2)(A), (b)(2)(B)(i), (b)(2)(B)(iii), (b)(3)(A), (b)(3)(C), and (i).

"(3) If the manufacturer of an infant formula for commercial or charitable distribution for human consumption determines that a change in the formulation of the formula or a change in the processing of the formula may affect whether the formula is adulterated under subsection (a), the manufacturer shall, before the first processing of such formula, make the submission to the Secretary required by paragraph (1).

"(e)(1) If the manufacturer of an infant formula has knowledge which reasonably supports the conclusion that an infant formula which has been processed by the manufacturer and which has left an establishment subject to the control of the manufacturer—

"(A) may not provide the nutrients required by subsection (i), or

"(B) may be otherwise adulterated or misbranded,

the manufacturer shall promptly notify the Secretary of such knowledge. If the Secretary determines that the infant formula presents a risk to human health, the manufacturer shall immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary.

"(2) For purposes of paragraph (1), the term 'knowledge' as applied to a manufacturer means (A) the actual knowledge that the manufacturer had, or (B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

"(f)(1) If a recall of infant formula is begun by a manufacturer, the recall shall be carried out in accordance with such requirements as the Secretary shall prescribe under paragraph (2) and—

"(A) the Secretary shall, not later than the 15th day after the beginning of such recall and at least once every 15 days thereafter until the recall is terminated, review the actions taken under the recall to determine whether the recall meets the requirements prescribed under paragraph (2), and

"(B) the manufacturer shall, not later than the 14th day after the beginning of such recall and at least once every 14 days thereafter until the recall is terminated, report to the Secretary the actions taken to implement the recall.

Regulations.

"(2) The Secretary shall by regulation prescribe the scope and extent of recalls of infant formulas necessary and appropriate for the degree of risks to human health presented by the formula subject to the recall.

"(3) The Secretary shall by regulation require each manufacturer of an infant formula who begins a recall of such formula because of

100 STAT. 3207-120

a risk to human health to request each retail establishment at which such formula is sold or available for sale to post at the point of purchase of such formula a notice of such recall at such establishment for such time that the Secretary determines necessary to inform the public of such recall.".

21 USC 350a.

(b)(1) Subsection (i) of such section (as so redesignated) is amended—

(A) by inserting "(1)" after "(i)",

(B) by striking out "subsection (a)" and inserting in lieu thereof "paragraph",

(C) by striking out the colon and inserting in lieu thereof a period, and

(D) by adding at the end the following:

"(2) The Secretary may by regulation—

"(A) revise the list of nutrients in the table in this subsection, and

"(B) revise the required level for any nutrient required by the table.".

21 USC 331.

(2) Section 301(s) of the Federal Food, Drug, and Cosmetic Act is amended to read as follows:

Ante, 3207-116.

"(s) The failure to provide the notice required by section 412(c) or 412(d), the failure to make the reports required by section 412(f)(1)(B), the failure to retain the records required by section 412(b)(4), or the failure to meet the requirements prescribed under section 412(f)(3).".

SEC. 4015. STUDY ON ALKYL NITRITES.

The Secretary of Health and Human Services, through the Commissioner of Food and Drugs and the Director of the National Institute on Drug Abuse, shall, within 180 days of the date of the enactment of this Act, conduct a study on alkyl nitrites to determine—

(1) the extent and nature of the use of alkyl nitrites products by the public,

(2) the extent to which the use of such products conform to the advertised uses of the products, and

(3) the extent to which the sale of such products to the public presents a health risk and the nature of such risk.

Report.

The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on such study and shall include in the report recommendations concerning whether alkyl nitrites should be treated as a drug under the Federal Food, Drug, and Cosmetic Act.

21 USC 301.

SEC. 4016. SENSE OF THE SENATE WITH RESPECT TO POSSESSION OR DISTRIBUTION OF DRUGS UNDER STATE LAW.

21 USC 801 note.

It is the sense of the Senate that, if the possession or distribution of a drug is an offense under the Controlled Substances Act, the laws of the States should not be amended or revised to provide that the possession or distribution, respectively, of such drug is not a criminal offense.

SEC. 4017. STUDIES ON HEALTH WARNING LABELS FOR ALCOHOLIC BEVERAGES.

(a) The Senate finds that—

100 STAT. 3207-121

(1) the most abused drug in America is alcohol;

(2) alcohol abuse costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) in 1984, 53 percent of the traffic fatalities in the United States, accounting for more than 23,500 deaths, were related to the consumption of alcohol;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, and this represents an 8.2 percent increase in problem drinking since 1980;

(5) in 1984, almost 3,300,000 individuals between the ages of 14 and 17 experienced serious problems at home, in school, or with the law because of alcohol consumption;

(6) fetal alcohol syndrome is the third leading cause of birth defects, and is the only preventable cause of birth defects among the top three causes;

(7) nearly 5,000 babies per year are born with birth defects related to fetal alcohol syndrome;

(8) the statistics cited in the preceding paragraphs of this subsection indicate that many Americans are not aware of the adverse effects that the abuse of alcoholic beverages may have on health;

(9) it is necessary to undertake a serious national effort to educate the American people of the serious consequences of alcohol abuse; and

(10) carefully drafted warning labels on the containers of alcoholic beverages concerning serious health consequences resulting from the abuse of alcohol may assist in providing such education.

(b) Therefore, it is the sense of the Senate that—

(1) the Public Health Service should focus attention on the problem of educating the American people on the serious health consequences of alcohol abuse;

(2) the Public Health Service should review available knowledge and conduct studies to assess the most effective means of providing such education, including an assessment of the potential educational impact of health warning labels on the containers of alcoholic beverages; and

Report.

(3) the Public Health Service should transmit a report to the Congress within 6 months after the date of enactment of this Act concerning any activities described in paragraph (2) which have been undertaken, and should include in such report any findings respecting the impact and potential benefits of displaying health warnings on the containers of alcoholic beverages and recommendations for specific language for such labels.

SEC. 4018. EFFORTS OF THE ENTERTAINMENT AND WRITTEN MEDIA INDUSTRY.

It is the sense of Congress that—

(1) whereas illegal drug and alcohol consumption and the trafficking in those illegal drugs and alcohol is a major problem in the United States,

(2) whereas the problem of alcohol abuse is particularly prevalent among and harmful to the Nation's young people, and

(3) whereas the values and mores portrayed in various forms of commercially produced entertainment have a profound effect on the attitudes of young people in this country,

the entertainment and written media industry should refrain from producing material meant for general entertainment which in any way glamorizes or encourages the use of illegal drugs and alcohol and the entertainment and written media industry should develop films, television programs, records, videos, and advertising which discourage the use of illegal drugs and alcohol.

SEC. 4019. SENSE OF THE CONGRESS URGING THE CATEGORIZATION OF FILMS WHICH PROMOTE ALCOHOL ABUSE AND DRUG USE.

(a) The Congress finds that—

(1) the abuse of alcohol and the use of drugs has become a societal problem of epidemic proportions,

(2) it is in the interest of all citizens to contribute to the reduction of alcohol abuse and drug use, particularly among youth,

(3) the entertainment industry, particularly the motion picture industry's production of youth-oriented films, often depicts alcohol abuse and drug use in a benign, even glamorous way,

(4) the motion picture industry has a profound impact on societal norms and is a powerful medium which exerts great influence on the values of youth, and

(5) the motion picture industry has recognized the need to inform parents about the contents of movies regarding violence, sex, language, and nudity and therefore currently employs a voluntary rating system.

(b) It is the sense of the Congress that the Motion Picture Association of America should incorporate a new rating in its voluntary movie rating system to clearly identify films which depict alcohol abuse and drug use.

SEC. 420. ANIMALS IN RESEARCH.

Part A of title V, as amended by sections 4004 and 4005, is amended by adding at the end the following:

"ANIMALS IN RESEARCH

42 USC 290aa-10.

"SEC. 509C. (a) The Secretary, acting through the Administrator, shall establish guidelines for the following:

"(1) The proper care of animals to be used in research conducted by and through agencies of the Administration.

"(2) The proper treatment of animals while being used in such research. Guidelines under this paragraph shall require—

"(A) the appropriate use of tranquilizers, analgesics, anesthetics, paralytics, and euthanasia for animals in such research; and

"(B) appropriate pre-surgical and post-surgical veterinary medical and nursing care for animals in such research.

Such guidelines shall not be construed to prescribe methods of research.

"(3) The organization and operation of animal care committee in accordance with subsection (b).

"(b)(1) Guidelines of the Secretary under subsection (a)(3) shall require animal care committees at each entity which conducts research with funds provided under this title to assure compliance with the guidelines established under subsection (a).

"(2) Each animal care committee shall be appointed by the chief executive officer of the entity for which the committee is established, shall be composed of not fewer than three members, and shall include at least one individual who has no association with such entity and at least one doctor of veterinary medicine.

"(c) Each animal care committee of a research entity shall—

"(1) review the care and treatment of animals in all animal study areas and facilities of the research entity at least semiannually to evaluate compliance with applicable guidelines established under subsection (a) for appropriate animal care and treatment;

"(2) keep appropriate records of reviews conducted under paragraph (1); and

Report.

"(3) for each review conducted under paragraph (1), file with the Administrator at least annually (A) a certification that the review has been conducted, and (B) report of any violations of guidelines established under subsection (a) or of assurances required under subsection (d) which were observed in such review and which have continued after notice by the committee to the research entity involved of the violations.

Reports filed under paragraph (3) shall include any minority views filed by members of the committee.

Grants.
Contracts.

"(d) The Administrator shall require each applicant for a grant, contract, or cooperative agreement involving research on animals which is administered by the Administrator or any agency of the Administration to include in its application or contract proposal, submitted after the expiration of the 12-month period beginning on the date of enactment of this section—

"(1) assurances satisfactory to the Administrator that—

"(A) the applicant meets the requirements of the guidelines established under paragraph (1) and (2) of subsection (a) and has an animal care committee which meets the requirements of subsection (b); and

"(B) scientists, animal technicians, and other personnel involved with animal care, treatment, and use by the applicant have available to them instruction or training in the humane practice of animal maintenance and experimentation, and the concept, availability, and use of research or testing methods that limit the use of animals or limit animal distress; and

"(2) a statement of the reasons for the use of animals in the research to be conducted with funds provided under such grant or contract.

Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, regulations under this subsection shall be promulgated in accordance with the notice and comment requirements of such section.

"(e) If the Administrator determines that—

Grants.
Contracts.

"(1) the conditions of animal care, treatment, or use in an entity which is receiving a grant, contract, or cooperative agreement involving research on animals under this title do not meet applicable guidelines established under subsection (a);

"(2) the entity has been notified by the Administrator of such determination and has been given a reasonable opportunity to take corrective action; and

"(3) no action has been taken by the entity to correct such conditions;

the Administrator shall suspend or revoke such grant or contract under such conditions as the Administrator determines appropriate.

100 STAT. 3207-124

"(f) No guideline or regulation promulgated under subsection (a) or (c) may require a research entity to disclose publicly trade secrets or commercial or financial information which is privileged or confidential.

SEC. 4021. TECHNICAL AMENDMENTS.

(a) SECTION 504 (e)—Subsection (e) of section 504 (42 U.S.C. 290aa-3) is amended by striking out the period at the end of paragraph (2)(A) and inserting in lieu thereof a semicolon.

SECTION 504 (g).—Subsection (g) of such section is amended by striking out "section 1915 (e)" and inserting in lieu thereof "1916 (e)".

(b) GENERAL AUTHORITY.—

(1) Section 504 (as amended by section 4019) is amended by adding at the end the following:

Grants.
Contracts.

"(i) The Secretary, acting through the Director, may make grants to and enter into cooperative agreements and contracts with public and nonprofit private entities for research on mental illness.".

(2) Section 301(a)(3) (42 U.S.C. 241(a)(3)) is amended by striking out "or, in the case of mental health" and all that follows through "Council;" and by striking out "or the National Advisory Mental Health Council".

SEC. 4022. ALCOHOLISM AND ALCOHOL ABUSE TREATMENT STUDY.

42 USC
290bb note.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism and in accordance with subsection (b), shall arrange for the conduct of a study to—

(1) critically review available research knowledge and experience in the United States and other countries regarding alternative approaches and mechanisms (including statutory and voluntary mechanisms) for the provision of alcoholism and alcohol abuse treatment and rehabilitative services,

(2) assess available evidence concerning comparative costs, quality, effectiveness, and appropriateness of alcoholism and alcohol abuse treatment and rehabilitative service alternatives,

(3) review the state of financing alternatives available to the public, including an analysis of policies and experiences of third party insurers and State and municipal governments, and

(4) consider and make recommendations for policies and programs of research, planning, administration, and reimbursement for the treatment and rehabilitation of individuals suffering from alcoholism and alcohol abuse.

(b) ARRANGEMENTS.—

(1) The Secretary shall request the National Academy of Sciences to conduct the study described in subsection (a) under an arrangement under which the actual expenses incurred by the Academy in conducting the study will be paid by the Secretary and with the consent of the Academy the Secretary shall enter into such arrangement.

(2) Under the arrangement entered into under paragraph (1), the National Academy of Sciences shall agree to—

(A) conduct the study in consultation with the Director of the National Institute on Alcohol Abuse and Alcoholism, and

Report.

(B) submit to the Secretary not later than 24 months after the date the arrangement is entered into a final report on the study.

The Secretary shall transmit the final report of the Academy to Congress not later than 30 days after the date the Secretary receives the report.

Drug-Free Schools and Communities Act of 1986.
20 USC 4601 note.

Subtitle B—Drug-Free Schools and Communities Act of 1986

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the "Drug-Free Schools and Communities Act of 1986".

20 USC 4601.

SEC. 4102. FINDINGS.

The Congress finds that:

(1) Drug abuse education and prevention programs are essential components of a comprehensive strategy to reduce the demand for and use of drugs throughout the Nation.

(2) Drug use and alcohol abuse are widespread among the Nation's students, not only in secondary schools, but increasingly in elementary schools as well.

(3) The use of drugs and the abuse of alcohol by students constitute a grave threat to their physical and mental well-being and significantly impede the learning process.

(4) The tragic consequences of drug use and alcohol abuse by students are felt not only by students and their families, but also by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

(5) Schools and local organizations in communities throughout the Nation have special responsibilities to work together to combat the scourge of drug use and alcohol abuse.

(6) Prompt action by our Nation's schools, families, and communities can bring significantly closer the goal of a drug-free generation and a drug-free society.

20 USC 4602.

SEC. 4103. PURPOSE.

State and local governments.
Grants.
Contracts.

It is the purpose of this subtitle to establish programs of drug abuse education and prevention (coordinated with related community efforts and resources) through the provision of Federal financial assistance—

(1) to States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of drug abuse prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

(2) to States for grants to and contracts with community-based organizations for programs of drug abuse prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

(3) to States for development, training, technical assistance, and coordination activities;

(4) to institutions of higher education to establish, implement, and expand programs of drug abuse education and prevention (including rehabilitation referral) for students enrolled in colleges and universities; and

(5) to institutions of higher education in cooperation with State and local educational agencies for teacher training programs in drug abuse education and prevention.

PART 1—FINANCIAL ASSISTANCE FOR DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS

SEC. 4111. AUTHORIZATION OF APPROPRIATIONS.

20 USC 4611.

(a) For the purpose of carrying out this subtitle, there are authorized to be appropriated $200,000,000 for fiscal year 1987 and $250,000,000 for each of the fiscal years 1988 and 1989.

(b) Appropriations for any fiscal year for payments made under this subtitle in accordance with regulations of the Secretary may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

(c) Funds appropriated for any fiscal year under this subtitle shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

Contracts.

(d) Notwithstanding any other provision of this subtitle, no authority to enter into contracts or financial assistance agreements under this subtitle shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 4112. RESERVATIONS AND STATE ALLOTMENTS.

20 USC 4612.

(a) From the sums appropriated or otherwise made available to carry out this subtitle for any fiscal year, the Secretary shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs;

(2) 1 percent for programs for Indian youth under section 4133;

(3) 0.2 percent for programs for Hawiian natives under section 4134;

(4) 8 percent for programs with institutions of higher education under section 4131;

(5) 3.5 percent for Federal activities under section 4132; and

(6) 4.5 percent for regional centers under section 4135.

(b)(1) From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

(2) The Secretary may reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within two years of allotment. Any such reallotment shall be made on the same basis as an allotment under paragraph (1).

(3) For purposes of this subsection, the term "State" means any of the fifty States, the District of Columbia, and Puerto Rico.

(4) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotment under this subsection from amounts appropriated for that fiscal year.

100 STAT. 3207-127

PART 2—STATE AND LOCAL PROGRAMS

20 USC 4621.

SEC. 4121. USE OF ALLOTMENTS BY STATES.

(a) An amount equal to 30 percent of the total amount paid to a State from its allotment under section 4112 for any fiscal year shall be used by the chief executive officer of such State for State program in accordance with section 4122.

(b) An amount equal to 70 percent of the total amount paid to a State from its allotment under section 4112 for any fiscal year shall be used by the State educational agency to carry out its responsibilities in accordance with section 4124 and for grants to local and intermediate educational agencies and consortia for programs and activities in accordance with section 4125.

20 USC 4622.
Grants.
Contracts.

SEC. 4122. STATE PROGRAMS.

(a) Not more than 50 percent of the funds available for each fiscal year under section 4121(a) to the chief executive officer of a State shall be used for grants to and contracts with local governments and other public or private nonprofit entities (including parent groups, community action agencies, and other community-based organizations) for the development and implementation of programs and activities such as—

(1) local broadly-based programs for drug and alcohol abuse prevention, early intervention, rehabilitation referral, and education for all age groups;

(2) training programs concerning drug abuse education and prevention for teachers, counselors, other educational personnel, parents, local law enforcement officials, judicial officials, other public service personnel, and community leaders;

(3) the development and distribution of educational and informational materials to provide public information (through the media and otherwise) for the purpose of achieving a drug-free society;

(4) technical assistance to help community-based organizations and local and intermediate educational agencies and consortia in the planning and implementation of drug abuse prevention, early intervention, rehabilitation referral, and education programs;

(5) activities to encourage the coordination of drug abuse education and prevention programs with related community efforts and resources, which may involve the use of a broadly representative State advisory council including members of the State board of education, members of local boards of education, parents, teachers, counselors, health and social service professionals, and others having special interest or expertise; and

(6) other drug abuse education and prevention activities, consistent with the purposes of this subtitle.

(b)(1) Not less than 50 percent of the funds available for each fiscal year under section 4121(a) to the chief executive officer of a State shall be used for innovative community-based programs of coordinated services for high-risk youth. The chief executive officer of such State shall make grants to or contracts with local governments and other public and private nonprofit entities (including parent groups community action agencies, and other community-based organizations) to carry out such services.

Grants.
Contracts.

(2) For purposes of this subsection, the term "high risk youth" means an individual who has not attained the age of 21 years, who is at high risk of becoming or who has been a drug or alcohol abuser, and who—

(A) is a school dropout;
(B) has become pregnant;
(C) is economically disadvantaged;
(D) is the child of a drug or alcohol abuser;
(E) is a victim of physical, sexual, or psychological abuse;
(F) has committed a violent or delinquent act;
(G) has experienced mental health problems;
(H) has attempted suicide; or
(I) has experienced long-term physical pain due to injury.

SEC. 4123. STATE APPLICATIONS.

20 USC 4623.

(a) In order to receive an allotment under section 4112(b), a State shall submit an application to the Secretary. As part of such application, the chief executive officer of the State shall agree to use the funds made available under section 4121(a) in accordance with the requirements of this part. As part of such application, the State educational agency of the State shall agree to use the funds made available under section 4121(b) in accordance with the requirements of this part.

(b) The application submitted by each State under subsection (a) shall—

(1) cover a period of three fiscal years;

(2) be submitted at such time and in such manner, and contain such information, as the Secretary may require;

(3) contain assurances that the Federal funds made available under this part for any period will be so used as to supplement and increase the level of State, local, and non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under this part and will in no event supplant such State, local, and other non-Federal funds;

(4) provide that the State will keep such records and provide such information as may be required by the Secretary for fiscal audit and program evaluation;

(5) contain assurances that there is compliance with the specific requirements of this part;

(6) describe the manner in which the State educational agency will coordinate its efforts with appropriate State health, law enforcement, and drug abuse prevention agencies, including the State agency which administers the Alcohol, Drug Abuse, and Mental Health block grant under part B of title XIX of the Public Health Service Act;

42 USC 300x.

(7) provide assurances that the State educational agency will provide financial assistance under this part only to local and intermediate educational agencies and consortia which establish and implement drug abuse education and prevention programs in elementary and secondary schools; and

(8) provide for an annual evaluation of the effectiveness of programs assisted under this part.

SEC. 4124. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.

20 USC 4624.

Grants.

(a) Each State educational agency shall use a sum which shall be not less than 90 percent of the amounts available under section

100 STAT. 3207-129

4121(b) for each fiscal year for grants to local and intermediate educational agencies and consortia in the State, in accordance with applications approved under section 4126. From such sum, the State educational agency shall distribute funds for use among areas served by local or intermediate educational agencies or consortia on the basis of the relative numbers of children in the school-age population within such areas. Any amount of the funds made available for use in any area remaining unobligated for more than one year after the funds were made available may be provided by the State educational agency to local or intermediate educational agencies or consortia having plans for programs or activities capable of using such amount on a timely basis.

(b) Each State educational agency shall use not more than 10 percent of the amounts available under section 4121(b) for each fiscal year for such activities as—

(1) training and technical assistance programs concerning drug abuse education and prevention for local and intermediate educational agencies, including teachers, administrators, athletic directors, other educational personnel, parents, local law enforcement officials, and judicial officials;

(2) the development, dissemination, implementation, and evaluation of drug abuse education curricular and teaching materials for elementary and secondary schools throughout the State;

(3) demonstration projects in drug abuse education and prevention;

(4) special financial assistance to enhance resources available for drug abuse education and prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet special needs; and

(5) administrative costs of the State educational agency in carrying out its responsibilities under this part, not in excess of 2.5 percent of the amount available under section 4121(b).

20 USC 4625.

SEC. 4125. LOCAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS.

(a) Any amounts made available to local or intermediate educational agencies or consortia under section 4124(a) shall be used for drug and alcohol abuse prevention and education programs and activities, including—

(1) the development, acquisition, and implementation of elementary and secondary school drug abuse education and prevention curricula which clearly and consistently teach that illicit drug use is wrong and harmful;

(2) school-based programs of drug abuse prevention and early intervention (other than treatment);

(3) family drug abuse prevention programs, including education for parents to increase awareness about the symptoms and effects of drug use through the development and dissemination of appropriate educational materials;

(4) drug abuse prevention counseling programs (which counsel that illicit drug use is wrong and harmful) for students and parents, including professional and peer counselors and involving the participation (where appropriate) of parent or other adult counselors and reformed abusers;

(5) programs of drug abuse treatment and rehabilitation referral;

100 STAT. 3207-130

(6) programs of inservice and preservice training in drug and alcohol abuse prevention for teachers, counselors, other educational personnel, athletic directors, public service personnel, law enforcement officials, judicial officials, and community leaders;

(7) programs in primary prevention and early intervention, such as the interdisciplinary school-team approach;

(8) community education programs and other activities to involve parents and communities in the fight against drug and alcohol abuse;

(9) public education programs on drug and alcohol abuse, including programs utilizing professionals and former drug and alcohol abusers;

(10) on-site efforts in schools to enhance identification and discipline of drug and alcohol abusers, and to enable law enforcement officials to take necessary action in cases of drug possession and supplying of drugs and alcohol to the student population;

(11) special programs and activities to prevent drug and alcohol abuse among student athletes, involving their parents and family in such drug and alcohol abuse prevention efforts and using athletic programs and personnel in preventing drug and alcohol abuse among all students; and

(12) other programs of drug and alcohol abuse education and prevention, consistent with the purposes of this part.

(b) A local or intermediate educational agency or consortium may receive funds under this part for any fiscal year covered by an application under section 4126 approved by the State educational agency.

20 USC 4626.
Grants.

SEC. 4126. LOCAL APPLICATIONS.

(a)(1) In order to be eligible to receive a grant under this part for any fiscal year, a local or intermediate educational agency or consortium shall submit an application to the State educational agency for approval.

(2) An application under this section shall be for a period not to exceed 3 fiscal years and may be amended annually as may be necessary to reflect changes without filing a new application. Such application shall—

(A) set forth a comprehensive plan for programs to be carried out by the applicant under this part;

(B) contain an estimate of the cost for the establishment and operation of such programs;

(C) establish or designate a local or substate regional advisory council on drug abuse education and prevention composed of individuals who are parents, teachers, officers of State and local government, medical professionals, representatives of the law enforcement community, community-based organizations, and other groups with interest and expertise in the field of drug abuse education and prevention;

(D) describe the manner in which the applicant will establish, implement, or augment mandatory age-appropriate, developmentally-based, drug abuse education and prevention programs for students throughout all grades of the schools operated or served by the applicant (from the early childhood level through grade 12), and provide assurances that the applicant enforces related rules and regulations of student conduct;

(E) describe the manner in which the applicant will coordinate its efforts under this part with other programs in the community related to drug abuse education, prevention, treatment, and rehabilitation;

(F) provides assurances that the applicant will coordinate its efforts with appropriate State and local drug and alcohol abuse, health, and law enforcement agencies, in order to effectively conduct drug and alcohol abuse education, intervention, and referral for treatment and rehabilitation for the student population;

(G) provide assurances that the Federal funds made available under this part shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this part, and in no case supplant such funds;

(H) provide assurances of compliance with the provisions of this part;

(I) agree to keep such records and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this part; and

(J) include such other information and assurances as the State educational agency reasonably determines to be necessary.

PART 3—NATIONAL PROGRAMS

20 USC 4641. Contracts.

SEC. 4131. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

(a)(1) From sums reserved by the Secretary under section 4112(a)(4) for the purposes of this section, the Secretary shall make grants to or enter into contracts with institutions of higher education or consortia of such institutions for drug abuse education and prevention programs under this section.

(2) The Secretary shall make financial assistance available on a competitive basis under this section. An institution of higher education or consortium of such institutions which desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in accordance with regulations.

(3) The Secretary shall make every effort to ensure the equitable participation of private and public institutions of higher education (including community and junior colleges) and to ensure the equitable geographic participation of such institutions. In the award of grants and contracts under this section, the Secretary shall give appropriate consideration to colleges and universities of limited enrollment.

(4) Not less than 50 percent of sums available for the purposes of this section shall be used to make grants under subsection (d).

(b) Training grants shall be available for—

(1) preservice and inservice training and instruction of teachers and other personnel in the field of drug abuse education and prevention in elementary and secondary schools;

(2) summer institutes and workshops in instruction in the field of drug abuse education and prevention;

(3) research and demonstration programs for teacher training and retraining in drug abuse education and prevention;

(4) training programs for law enforcement officials, judicial officials, community leaders, parents, and government officials.

(c) Grants shall be available for model demonstration programs to be coordinated with local elementary and secondary schools for the development and implementation of quality drug abuse education curricula. In the award of grants under this subsection, the Secretary shall give priority consideration to joint projects involving faculty of institutions of higher education and teachers in elementary and secondary schools in the practical application of the findings of educational research and evaluation and the integration of such research into drug abuse education and prevention programs.

(d) Grants shall be available under this subsection to develop, implement, operate, and improve programs of drug abuse education and prevention (including rehabilitation referral) for students enrolled in institutions of higher education.

(e) In making grants under paragraphs (1) and (2) of subsection (b), the Secretary shall encourage projects which provide for coordinated and collaborative efforts between State educational agencies, local educational agencies, and regional centers established under section 4135.

SEC. 4132. FEDERAL ACTIVITIES.

20 USC 4642.

(a) From sums reserved by the Secretary under section 4112(a)(5), the Secretary shall carry out the purposes of this section.

(b) The Secretary of Education in conjunction with the Secretary of Health and Human Services shall carry out Federal education and prevention activities on drug abuse. The Secretary shall coordinate such drug abuse education and prevention activities with other appropriate Federal activities related to drug abuse. The Secretary shall—

(1) provide information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 509 of the Public Health Service Act (as amended by this Act);

Ante, p. 3207-112.

(2) facilitate the utilization of appropriate means of communicating to students at all educational levels about the dangers of drug use and alcohol abuse, especially involving the participating of entertainment personalities and athletes who are recognizable role models for many young people;

(3) develop, publicize the availability of, and widely disseminate audio-visual and other curricular materials for drug abuse education and prevention programs in elementary and secondary schools throughout the Nation;

(4) provide technical assistance to State, local, and intermediate education agencies and consortia in the selection and implementation of drug abuse education and prevention curricula, approaches, and programs to address most effectively the needs of the elementary and secondary schools served by such agencies; and

(5) identify research and development priorities with regard to school-based drug abuse education and prevention, particularly age-appropriate programs focusing on kindergarten through grade 4.

100 STAT. 3207-133

(c) From the funds available to carry out this section, the Secretary shall make available $500,000 to the Secretary of Health and Human Services for the clearinghouse established under section 509 of the Public Health Service Act (as amended by this Act).

Ante, p. 3207-112.
Contracts.
Reports.

(d) The Secretary of Education in conjunction with the Secretary of Health and Human Services shall conduct, directly or by contract, a study of the nature and effectiveness of existing Federal, State, and local programs of drug abuse education and prevention and shall submit a report of the findings of such study to the President and to the appropriate committees of the Congress not later than one year after the date of the enactment of this Act.

SEC. 4133. PROGRAMS FOR INDIAN YOUTH.

20 USC 4643.
Grants.

(a)(1) From the funds reserved pursuant to section 4112(a)(2), the Secretary shall make payments and grants and enter into other financial arrangements for Indian programs in accordance with this subsection.

(2) The Secretary of Education shall enter into such financial arrangements as the Secretary determines will best carry out the purposes of this title to meet the needs of Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. Such arrangements shall be made pursuant to an agreement between the Secretary of Education and the Secretary of the Interior containing such assurances and terms as they determine will best achieve the purposes of this title.

Contracts.

25 USC 450 note.

(3) The Secretary of Education may, upon request of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, enter into grants or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs which are authorized and

consistent with the purposes of this title (particularly programs for Indian children who are school dropouts), except that such grants or contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this paragraph. 25 USC 450f.

(4) Programs funded under this subsection shall be in addition to such other programs, services, and activities as are made available to eligible Indians under other provisions of this subtitle.

(b)(1) Section 304 of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241cc) is amended by—

(A) striking out "and" at the end of paragraph (1);

(B) striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) adding at the end the following new paragraph:

"(3) the training of counselors at schools eligible for funding under this title in counseling techniques relevant to the treatment of alcohol and substance abuse.".

(2) Section 423 of the Indian Education Act (20 U.S.C. 3385b) is amended—

(A) in subsection (a), by inserting "clinical psychology," after "medicine,"; and

(B) by adding at the end of the section the following new subsection:

"(e) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.".

25 USC 2001. (3) Section 1121 of the Education Amendments of 1978 is amended by adding at the end the following new subsection:

"(i)(1) All schools funded by the Bureau of Indian Affairs shall include within their curriculum a program of instruction relating to alcohol and substance abuse prevention and treatment. The Assistant Secretary shall provide the technical assistance necessary to develop and implement such a program for students in kindergarten and grades 1 through 12, at the request of—

"(A) any Bureau of Indian Affairs school (subject to the approval of the school board of such school); or

"(B) any school board of a school operating under a contract entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(2) In schools operated directly by the Bureau of Indian Affairs, the Secretary shall, not later than 120 days after the date of the enactment of this subsection, provide for—

"(A) accurate reporting of all incidents relating to alcohol and substance abuse; and

"(B) individual student crisis intervention.

"(3) The programs requested under paragraph (1) shall be developed in consultation with the Indian tribe that is to be served by such program and health personnel in the local community of such tribe.

"(4) Schools requesting program assistance under this subsection are encouraged to involve family units and, where appropriate, tribal elders and Native healers in such instructions."

25 USC 2009. (4) Section 1129 of the Educational Amendments of 1978 is amended by adding at the end the following new subsection:

"(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 et seq.) and the Indian Education Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds. 20 USC 241aa note.

"(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office of Indian Education Programs, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.".

SEC. 4134. PROGRAMS FOR HAWAIIAN NATIVES.

20 USC 4644. Contracts.

(a) From the funds reserved pursuant to section 4112(a)(3), the Secretary shall enter into contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this subtitle for the benefit of Hawaiian natives.

(b) For the purposes of this section, the term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

SEC. 4135. REGIONAL CENTERS.

20 USC 4645.

The Secretary shall use the amounts made available to carry out this section for each fiscal year to maintain 5 regional centers to—

(1) train school teams to assess the scope and nature of their drug abuse and alcohol abuse problems, mobilize the community to address such problems, design appropriate curricula, identify students at highest risk and refer them to appropriate treatment, and institutionalize long term effective drug and alcohol abuse programs, including long range technical assistance, evaluation, and followup on such training;

(2) assist State educational agencies in coordinating and strengthening drug abuse and alcohol abuse education and prevention programs;

(3) assist local educational agencies and institutions of higher education in developing appropriate pre-service and in-service training programs for educational personnel; and

(4) evaluate and disseminate information on effective drug abuse and alcohol abuse education and prevention programs and strategies.

PART 4—GENERAL PROVISIONS

SEC. 4141. DEFINITIONS.

20 USC 4661.

(a) Except as otherwise provided, the terms used in this subtitle shall have the meaning provided under section 595 of the Education Consolidation and Improvement Act of 1981. 20 USC 3875.

(b) For the purposes of this subtitle, the following terms have the following meanings:

(1) The term "drug abuse education and prevention" means prevention, early intervention, rehabilitation referral, and education related to the abuse of alcohol and the use and abuse of controlled, illegal, addictive, or harmful substances.

(2) The term "illicit drug use" means the use of illegal drugs and the abuse of other drugs and alcohol.

(3) The term "Secretary" means the Secretary of Education.

(4) The term "school-age population" means the population aged five through seventeen (inclusive), as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

(5) The term "school dropout" means an individual aged five through eighteen who is not attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(6) The term "State" means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Marina Islands, the Trust Territory of the Pacific Islands, or the Virgin Islands.

(7) The terms "institution of higher education", "secondary school", and "nonprofit" have the meanings provided in section 1001 of the Elementary and Secondary Education Act of 1965 in effect prior to October 1, 1981.

(8) The term "consortium" (except in section 4131) means a consortium of local educational agencies or of one or more intermediate educational agencies and one or more local educational agencies.

20 USC 4662.

SEC. 4142. FUNCTIONS OF THE SECRETARY OF EDUCATION.

(a) The Secretary shall be responsible for the administration of the programs authorized by this subtitle.

(b) Except as otherwise provided, the General Education Provisions Act shall apply to programs authorized by this subtitle.

20 USC 1221.

20 USC 4663.

SEC. 4143. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE NONPROFIT SCHOOLS.

State and local governments.

(a) To the extent consistent with the number of school-age children in the State or in the school attendance area of a local or intermediate educational agency or consortium receiving financial assistance under part 2 who are enrolled in private nonprofit elementary and secondary schools, such State, agency, or consortium shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subtitle.

(b) To the extent consistent with the number of school-age children in the State or in the school attendance area of a local or intermediate educational agency or consortium receiving financial assistance under part 2 who are enrolled in private nonprofit elementary and secondary schools, such State, State educational agency, or State agency for higher education shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such teacher training as will assure equitable participation of such teachers in the purposes and benefits of this subtitle.

(c) If by reason of any provision of law a State, local, or intermediate educational agency or consortium is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsections (a) and (b) or, if the Secretary determines that a State, local, or intermediate educational agency or consortium has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers which shall be subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with paragraphs (3) and (4) of section 557(b) of the Education Consolidation and Improvement Act of 1981.

20 USC 3806.

20 USC 4664.

SEC. 4144. MATERIALS.

Any materials produced or distributed with funds made available under this subtitle shall reflect the message that illicit drug use is wrong and harmful. The Secretary shall not review curricula and shall not promulgate regulations to carry out this subsection or subparagraph (1) or (4) of section 4125(a).

Subtitle C—Indians and Alaska Natives

Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
25 USC 2401 note.

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the "Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986".

PART I—GENERAL PROVISIONS

25 USC prec. 2401.

SEC. 4202. FINDINGS.

The Congress finds and declares that—

(1) the Federal Government has a historical relationship and unique legal and moral responsibility to Indian tribes and their members,

(2) included in this responsibility is the treaty, statutory, and historical obligation to assist the Indian tribes in meeting the health and social needs of their members,

(3) alcoholism and alcohol and substance abuse is the most severe health and social problem facing Indian tribes and people today and nothing is more costly to Indian people than the consequences of alcohol and substance abuse measured in physical, mental, social, and economic terms,

(4) alcohol and substance abuse is the leading generic risk factor among Indians, and Indians die from alcoholism at over 4 times the age-adjusted rates for the United States population and alcohol and substance misuse results in a rate of years of potential life lost nearly 5 times that of the United States,

(5) 4 of the top 10 causes of death among Indians are alcohol and drug related injuries (18 percent of all deaths), chronic liver disease and cirrhosis (5 percent), suicide (3 percent), and homicide (3 percent),

(6) primarily because deaths from unintentional injuries and violence occur disproportionately among young people, the age-specific death rate for Indians is approximately double the United States rate for the 15 to 45 age group,

(7) Indians between the ages of 15 and 24 years of age are more than 2 times as likely to commit suicide as the general population and approximately 80 percent of those suicides are alcohol-related,

(8) Indians between the ages of 15 and 24 years of age are twice as likely as the general population to die in automobile accidents, 75 percent of which are alcohol-related,

(9) the Indian Health Service, which is charged with treatment and rehabilitation efforts, has directed only 1 percent of its budget for alcohol and substance abuse problems,

(10) the Bureau of Indian Affairs, which has responsibility for programs in education, social services, law enforcement, and other areas, has assumed little responsibility for coordinating its various efforts to focus on the epidemic of alcohol and substance abuse among Indian people,

(11) this lack of emphasis and priority continues despite the fact that Bureau of Indian Affairs and Indian Health Service officials publicly acknowledge that alcohol and substance abuse among Indians is the most serious health and social problem facing the Indian people, and

(12) the Indian tribes have the primary responsibility for protecting and ensuring the well-being of their members and the resources made available under this subtitle will assist Indian tribes in meeting that responsibility.

25 USC 2402.

SEC. 4203. PURPOSE.

It is the purpose of this subtitle to—

(1) authorize and develop a comprehensive, coordinated attack upon the illegal narcotics traffic in Indian country and the deleterious impact of alcohol and substance abuse upon Indian tribes and their members,

(2) provide needed direction and guidance to those Federal agencies responsible for Indian programs to identify and focus existing programs and resources, including those made available by this subtitle, upon this problem,

(3) provide authority and opportunities for Indian tribes to develop and implement a coordinated program for the prevention and treatment of alcohol and substance abuse at the local level, and

(4) to modify or supplement existing programs and authorities in the areas of education, family and social services, law enforcement and judicial services, and health services to further the purposes of this subtitle.

25 USC 2403.

SEC. 4204. DEFINITIONS.

For purposes of this subtitle—

(1) The term "agency" means the local administrative entity of the Bureau of Indian Affairs serving one or more Indian tribes within a defined geographic area.

(2) The term "youth" shall have the meaning given it in any particular Tribal Action Plan adopted pursuant to section 4205, except that, for purposes of statistical reporting under this subtitle, it shall mean a person who is 19 years or younger or who is in attendance at a secondary school.

(3) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(4) The term "prevention and treatment" includes, as appropriate—

(A) efforts to identify, and the identification of, Indians who are at risk with respect to, or who are abusers of, alcohol or controlled substances,

(B) intervention into cases of on-going alcohol and substance abuse to halt a further progression of such abuse,

(C) prevention through education and the provision of alternative activities,

(D) treatment for alcohol and substance abusers to help abstain from, and alleviate the effects of, abuse,

(E) rehabilitation to provide on-going assistance, either on an inpatient or outpatient basis, to help Indians reform or abstain from alcohol or substance abuse,

(F) follow-up or after-care to provide the appropriate counseling and assistance on an outpatient basis, and

(G) referral to other sources of assistance or resources.

(5) The term "service unit" means an administrative entity within the Indian Health Service or a tribe or tribal organization operating health care programs or facilities with funds from the Indian Health Service under the Indian Self-Determination Act through which the services are provided, directly or by contract, to the eligible Indian population within a defined geographic area.

25 USC 450 note.

PART II—COORDINATION OF RESOURCES AND PROGRAMS

25 USC 2411.

SEC. 4205. INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this subtitle, the Secretary of the Interior and the Secretary of Health and Human Services shall develop and enter into a Memorandum of Agreement which shall, among other things—

(1) determine and define the scope of the problem of alcohol and substance abuse for Indian tribes and their members and its financial and human costs, and specifically identify such problems affecting Indian youth,

(2) identify—

(A) the resources and programs of the Bureau of Indian Affairs and Indian Health Service, and

(B) other Federal, tribal, State and local, and private resources and programs,

which would be relevant to a coordinated effort to combat alcohol and substance abuse among Indian people, including those programs and resources made available by this subtitle,

(3) develop and establish appropriate minimum standards for each agency's program responsibilities under the Memorandum of Agreement which may be—

(A) the existing Federal or State standards in effect, or

(B) in the absence of such standards, new standards which will be developed and established in consultation with Indian tribes,

(4) coordinate the Bureau of Indian Affairs and Indian Health Service alcohol and substance abuse programs existing on the date of the enactment of this subtitle with programs or efforts established by this subtitle,

(5) delineate the responsibilities of the Bureau of Indian Affairs and the Indian Health Service to coordinate alcohol and substance abuse-related services at the central, area, agency, and service unit levels,

(6) direct Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit directors to cooperate fully with tribal requests made pursuant to section 4206, and

(7) provide for an annual review of such agreements by the Secretary of the Interior and the Secretary of Health and Human Services.

(b) Character of Activities.—To the extent that there are new activities undertaken pursuant to this subtitle, those activities shall supplement, not supplant, activities, programs, and local actions that are ongoing on the date of the enactment of this subtitle. Such activities shall be undertaken in the manner least disruptive to tribal control, in accordance with the Indian Self-Determination and

Education Assistance Act (25 U.S.C. 450 et seq.), and local control, in accordance with section 1130 of the Education Amendments of 1978 (25 U.S.C. 2010).

(c) Consultation.—The Secretary of the Interior and the Secretary of Health and Human Services shall, in developing the Memorandum of Agreement under subsection (a), consult with and solicit the comments of—

(1) interested Indian tribes,

(2) Indian individuals,

(3) Indian organizations, and

(4) professionals in the treatment of alcohol and substance abuse.

Federal Register, publication.

(d) Publication.—The Memorandum of Agreement under subsection (a) shall be submitted to Congress and published in the Federal Register not later than 130 days after the date of enactment of this subtitle. At the same time as publication in the Federal Register, the Secretary of the Interior shall provide a copy of this subtitle and the Memorandum of Agreement under subsection (a) to each Indian tribe.

25 USC 2412.

SEC. 4206. TRIBAL ACTION PLANS.

(a) In General.—The governing body of any Indian tribe may, at its discretion, adopt a resolution for the establishment of a Tribal Action Plan to coordinate available resources and programs, including programs and resources made available by this subtitle, in an effort to combat alcohol and substance abuse among its members. Such resolution shall be the basis for the implementation of this subtitle and of the Memorandum of Agreement under section 4205.

(b) COOPERATION.—At the request of any Indian tribe pursuant to a resolution adopted under subsection (a), the Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit director providing services to such tribe shall cooperate with the tribe in the development of a Tribal Action Plan to coordinate resources and programs relevant to alcohol and substance abuse prevention and treatment. Upon the development of such a plan, such superintendents and director, as directed by the Memorandum of Agreement established under section 4205, shall enter into an agreement with the tribe for the implementation of the Tribal Action Plan under subsection (a).

(c) PROVISIONS.—

(1) Any Tribal Action Plan entered into under subsection (b) shall provide for—

(A) the establishment of a Tribal Coordinating Committee which shall—

(i) at a minimum, have as members a tribal representative who shall serve as Chairman and the Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit director, or their representatives,

(ii) have primary responsibility for the implementation of the Tribal Action Plan,

(iii) have the responsibility for on-going review and evaluation of, and the making of recommendations to the tribe relating to, the Tribal Action Plan, and

100 STAT. 3207-141

(iv) have the responsibility for scheduling Federal, tribal or other personnel for training in the prevention and treatment of alcohol and substance abuse among Indians as provided under section 4228, and

(B) the incorporation of the minimum standards for those programs and services which it encompasses which shall be—

(i) the Federal or State standards as provided in section 4205(a)(3), or

(ii) applicable tribal standards, if such standards are no less stringent than the Federal or State standards.

(2) Any Tribal Action Plan may, among other things, provide for—

(A) an assessment of the scope of the problem of alcohol and substance abuse for the Indian tribe which adopted the resolution for the Plan,

(2) the identification and coordination of available resources and programs relevant to a program of alcohol and substance abuse prevention and treatment,

(3) the establishment and prioritization of goals and the efforts needed to meet those goals, and

(4) the identification of the community and family roles in any of the efforts undertaken as part of the Tribal Action Plan.

(d) GRANTS.—(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) to provide technical assistance in the development of a Tribal Action Plan. The Secretary shall allocate funds based on need.

(2) There is authorized to be appropriated not to exceed $1,000,000 for each of the fiscal year 1987, 1988, and 1989 for grants under this subsection.

(e) FEDERAL ACTION.—If any Indian tribe does not adopt a resolution as provided in subsection (a) within 90 days after the publication of the Memorandum of Agreement in the Federal Register as provided in section 4205, the Secretary of the Interior and the Secretary of Health and Human Services shall require the Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit director serving such tribe to enter into an agreement to identify and coordinate available programs and resources to carry out the purposes of this subtitle for such tribe. After such an agreement has been entered into for a tribe such tribe may adopt a resolution under subsection (a).

SEC. 4207. DEPARTMENTAL RESPONSIBILITY.

25 USC 2413.

(a) Implementation.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, and the Secretary of Health and Human Services, acting through the Indian Health Service, shall bear equal responsibility for the implementation of this subtitle in cooperation with Indian tribes.

(b) Office of Alcohol and Substance Abuse.—

(1) In order to better coordinate the various programs of the Bureau of Indian Affairs in carrying out this subtitle, there is established within the Office of the Assistant Secretary of Indian Affairs an Office of Alcohol and Substance Abuse. The director of such office shall be appointed by the Assistant Secretary on a permanent basis at no less than a grade GS-15 of the General Schedule. 5 USC 5331.

100 STAT. 3207-142

(2) In addition to other responsibilities which may be assigned to such Office, it shall be responsible for—

(A) monitoring the performance and compliance of programs of the Bureau of Indian Affairs in meeting the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205, and

(B) serving as a point of contact within the Bureau of Indian Affairs for Indian tribes and the Tribal Coordinating Committees regarding the implementation of this subtitle, the Memorandum of Agreement, and any Tribal Action Plan established under section 4206.

(c) Indian Youth Programs Officer.—

(1) There is established in the Office of Alcohol and Substance Abuse the position to be known as the Indian Youth Programs Officer.

(2) The position of Indian Youth Programs Officer shall be established on a permanent basis at no less than the grade of GS-14 of the General Schedule. 5 USC 5331.

(3) In addition to other responsibilities which may be assigned to the Indian Youth Programs Officer relating to Indian Youth, such Officer shall be responsible for—

(A) monitoring the performance and compliance of programs of the Bureau of Indian Affairs in meeting the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205 as they relate to Indian youth efforts, and

(B) providing advice and recommendations, including recommendations submitted by Indian tribes and Tribal Coordinating Committees, to the Director of the Office of Alcohol and Substance Abuse as they relate to Indian youth.

SEC. 4208. CONGRESSIONAL INTENT.

25 USC 2414.

It is the intent of Congress that—

(1) specific Federal laws, and administrative regulations promulgated thereunder, establishing programs of the Bureau of Indian Affairs, the Indian Health Service, and other Federal agencies, and

(2) general Federal laws, including laws limiting augmentation of Federal appropriations or encouraging joint or cooperative funding,

shall be liberally construed and administered to achieve the purposes of this subtitle.

25 USC 2415.

SEC. 4209. FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.

(a) Facility Availability.—In the furtherance of the purposes and goals of this subtitle, the Secretary of the Interior and the Secretary of Health and Human Services shall make available for community use, to the extent permitted by law and as may be provided in a Tribal Action Plan, local Federal facilities, property, and equipment, including school facilities. Such facility availability shall include school facilities under the Secretary of the Interior's jurisdiction: *Provided,* That the use of any school facilities shall be conditioned upon approval of the local school board with jurisdiction over such school.

(b) Costs.—Any additional cost associated with the use of Federal facilities, property, or equipment under subsection (a) may be borne by the Secretary of the Interior and the Secretary of Health and Human Services out of available Federal, tribal, State, local, or private funds, if not otherwise prohibited by law. This subsection does not require the Secretary of the Interior nor the Secretary of Health and Human Services to expend additional funds to meet the additional costs which may be associated with the provision of such facilities, property, or equipment for community use. Where the use of Federal facilities, property, or equipment under subsection (a) furthers the purposes and goals of this subtitle, the use of funds other than those funds appropriated to the Department of the Interior or the Department of Health and Human Services to meet the additional costs associated with such use shall not constitute an augmentation of Federal appropriations.

25 USC 2416.

SEC. 4210. NEWSLETTER.

The Secretary of the Interior shall, not later than 120 days after the date of the enactment of this subtitle, publish an alcohol and substance abuse newsletter in cooperation with the Secretary of Health and Human Services and the Secretary of Education to report on Indian alcohol and substance abuse projects and programs. The newsletter shall—

(1) be published once in each calendar quarter,

(2) include reviews of programs determined by the Secretary of the Interior to be exemplary and provide sufficient information to enable interested persons to obtain further information about such programs, and

(3) be circulated without charge to—

(A) schools,

(B) tribal offices,

(C) Bureau of Indian Affairs' agency and area offices,

(D) Indian Health Service area and service unit offices,

(E) Indian Health Service alcohol programs, and

(F) other entities providing alcohol and substance abuse related services or resources to Indian people.

PART III—INDIAN YOUTH PROGRAMS

25 USC 2431.

SEC. 4211. REVIEW OF PROGRAMS.

State and local governments.

(a) Review.—In the development of the Memorandum of Agreement required by section 4205, the Secretary of the Interior and the Secretary of Health and Human Services, in cooperation with the Secretary of Education shall review and consider—

(1) Federal programs providing education services or benefits to Indian children,

(2) tribal, State, local, and private educational resources and programs,

(3) Federal programs providing family and social services and benefits for Indian families and children,

(4) Federal programs relating to youth employment, recreation, cultural, and community activities, and

(5) tribal, State, local, and private resources for programs similar to those cited in paragraphs (3) and (4),

to determine their applicability and relevance in carrying out the purposes of this subtitle.

(b) PUBLICATION.—The results of the review conducted under subsection (a) shall be provided to each Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan under section 4206.

SEC. 4212. INDIAN EDUCATION PROGRAMS.

25 USC 2432.

(a) PILOT PROGRAMS.—The Assistant Secretary of Indian Affairs shall develop and implement pilot programs in selected schools funded by the Bureau of Indian Affairs (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in furthering the purposes and goals of the Indian Alcohol and Substance Abuse Prevention Act of 1986. The Assistant Secretary shall defray all costs associated with the actual operation and support of the pilot programs in the school from funds appropriated for this section. For the pilot programs there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989.

(b) USE OF FUNDS.—Federal financial assistance made available to public or private schools because of the enrollment of Indian children pursuant to—

(1) the Act of April 16, 1934, as amended by the Indian Education Assistance Act (25 U.S.C. 452 et seq.),

(2) the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa et seq.), and

(3) the Indian Education Act (20 U.S.C. 3385),

may be used to support a program of instruction relating to alcohol and substance abuse prevention and treatment.

SEC. 4213. EMERGENCY SHELTERS.

25 USC 2433.

(a) IN GENERAL.—A Tribal Action Plan adopted pursuant to section 4206 may make such provisions as may be necessary and practical for the establishment, funding, licensing, and operation of emergency shelters or half-way houses for Indian youth who are alcohol or substance abusers, including youth who have been arrested for offenses directly or indirectly related to alcohol or substance abuse.

(b) REFERRALS.—

(1) In any case where an Indian youth is arrested or detained by the Bureau of Indian Affairs or tribal law enforcement personnel for an offense relating to alcohol or substance abuse, other than for a status offense as defined by the Juvenile Justice and Delinquency Prevention Act of 1974, under circumstances where such youth may not be immediately restored to the custody of his parents or guardians and where there is space available in an appropriately licensed and supervised emergency shelter or half-way house, such youth shall be referred to such facility in lieu of incarceration in a secured facility unless such youth is deemed a danger to himself or to other persons.

42 USC 5601 note.

(2) In any case where there is a space available in an appropriately licensed and supervised emergency shelter or half-way house, the Bureau of Indian Affairs and tribal courts are encouraged to refer Indian youth convicted of offenses directly or indirectly related to alcohol and substance abuse to such facilities in lieu of sentencing to incarceration in a secured juvenile facility.

(c) DIRECTION TO STATES.—In the case of any State that exercises criminal jurisdiction over any part of Indian country under section 1162 of title 18 of the United States Code or section 401 of the Act of

100 STAT. 3207-145 April 11, 1968 (25 U.S.C. 1321), such State is urged to require its law enforcement officers to—

(1) place any Indian youth arrested for any offense related to alcohol or substance abuse in a temporary emergency shelter described in subsection (d) or a community-based alcohol or substance abuse treatment facility in lieu of incarceration to the extent such facilities are available, and

(2) observe the standards promulgated under subsection (d).

(d) STANDARDS.—The Assistant Secretary of Indian Affairs shall, as part of the development of the Memorandum of Agreement set out in section 4205, promulgate standards by which the emergency shelters established under a program pursuant to subsection (a) shall be established and operated.

(e) AUTHORIZATION.—For the planning and design, construction, and renovation of emergency shelters or half-way houses to provide emergency care for Indian youth, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1987, 1988, and 1989. For the operation of emergency shelters or half-way houses there is authorized to be appropriated $3,000,000 for each of the fiscal years 1987, 1988, and 1989. The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting pursuant to the Indian Self-Determination Act. 25 USC 450 note.

25 USC 2434.

SEC. 4214. SOCIAL SERVICES REPORTS.

(a) DATA.—The Secretary of the Interior, with respect to the administration of any family or social services program by the Bureau of Indian Affairs directly or through contracts under the Indian Self-Determination Act, shall require the compilation of data relating to the number and types of child abuse and neglect cases seen and the type of assistance provided. Additionally, such data should also be categorized to reflect those cases that involve, or appear to involve, alcohol and substance abuse, those cases which are recurring, and those cases which involve other minor siblings.

(b) REFERRAL OF DATA.—The data compiled pursuant to subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan and shall also be submitted to the Indian Health Service service unit director who will have responsibility for compiling a tribal comprehensive report as provided in section 4230.

(c) CONFIDENTIALITY.—In carrying out the requirements of subsections (a) and (b), the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals.

PART IV—LAW ENFORCEMENT AND JUDICIAL SERVICES

25 USC 2441.

SEC. 4215. REVIEW OF PROGRAMS.

(a) LAW ENFORCEMENT AND JUDICIAL SERVICES.—In the development of the Memorandum of Agreement required by section 4205, the Secretary of the Interior and the Secretary of Health and Human Services, in cooperation with the Attorney General of the United States, shall review and consider— 100 STAT. 3207-146

(1) the various programs established by Federal law providing law enforcement or judicial services for Indian tribes, and

(2) tribal and State and local law enforcement and judicial programs and systems

to determine their applicability and relevance in carrying out the purposes of this subtitle.

(b) DISSEMINATION OF REVIEW.—The results of the review conducted pursuant to subsection (a) shall be made available to every Indian tribe as soon as possible for their consideration and use in the development and modification of a Tribal Action Plan.

SEC. 4216. ILLEGAL NARCOTICS TRAFFIC ON THE PAPAGO RESERVATION: SOURCE ERADICATION

25 USC 2442.

(a)(1) INVESTIGATION AND CONTROL.—The Secretary of the Interior shall provide assistance to the Papago Indian Tribe (Tohono O'odham) of Arizona for the investigation and control of illegal narcotics traffic on the Papago Reservation along the border with Mexico. The Secretary shall ensure that tribal efforts are coordinated with appropriate Federal law enforcement agencies, including the United States Customs Service.

(2) AUTHORIZATIONS.—For the purpose of providing the assistance required by subsection (a), there is authorized to be appropriated $500,000 for each of the fiscal years 1987, 1988, and 1989.

(b)(1) MARIJUANA ERADICATION.—The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation within Indian country as defined in section 1152 of title 18, United States Code. The Secretary shall establish a priority for the use of funds appropriated under subsection (b) for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act.

25 USC 450 note.

(2) AUTHORIZATIONS.—To carry out subsection (a), there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, and 1989.

PART V—BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT

SEC. 4217. TRIBAL COURTS, SENTENCING AND FINES.

To enhance the ability of tribal governments to prevent and penalize the traffic of illegal narcotics on Indian reservations, paragraph (7) of section 202 of the Act of April 11, 1969 (25 U.S.C. 1302) is amended by striking out "for a term of six months and a fine of $500, or both" and inserting in lieu thereof "for a term of one year and a fine of $5,000, or both".

SEC. 4218. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT AND JUDICIAL TRAINING.

25 USC 2451.

(a) IN GENERAL.—The Secretary of the Interior shall ensure, through the establishment of a new training program or through the supplement of existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel shall have available training in the investigation and prosecution of offenses relating to illegal narcotics and in alcohol and substance abuse prevention and treatment. Any training provided to Bureau of Indian Affairs and tribal law enforcement and judicial personnel as provided in subsection (a) shall specifically include training in the problems of youth alcohol and substance abuse prevention and treatment. Such training shall be coordinated with the Indian Health Service in the carrying out of its responsibilities under section 4228.

100 STAT. 3207-147

(b) AUTHORIZATION.—For the purpose of providing the training required by subsection (a), there are authorized to be appropriated $1,500,000 for each of the fiscal years 1987, 1988, and 1989.

SEC. 4219. MEDICAL ASSESSMENT AND TREATMENT OF JUVENILE OFFENDERS.

25 USC 2452.

The Memorandum of Agreement entered into pursuant to section 4205 shall include a specific provision for the development and implementation at each Bureau of Indian Affair agency and Indian Health Service unit of a procedure for the emergency medical assessment and treatment of every Indian youth arrested or detained by Bureau of Indian Affairs or tribal law enforcement personnel for an offense relating to or involving alcohol or substance abuse. The medical assessment required by this subsection—

(1) shall be conducted to determine the mental or physical state of the individual assessed so that appropriate steps can be taken to protect the individual's health and well-being,

(2) shall occur as soon as possible after the arrest or detention of an Indian youth, and

(3) shall be provided by the Indian Health Service, either through its direct or contract health service.

25 USC 2453.

SEC. 4220. JUVENILE DETENTION CENTERS.

(a) PLAN.—The Secretary of the Interior shall construct or renovate and staff new or existing juvenile detention centers. The Secretary shall ensure that the construction and operation of the centers is consistent with the Juvenile Justice and Delinquency Prevention Act of 1974.

42 USC 5601 note.

(b) AUTHORIZATION.—For the purpose of subsection (a), there is authorized to be appropriated $10,000,000 for construction and renovation for each of the fiscal years 1987, 1988, and 1989, and $5,000,000 for staffing and operation for each of the fiscal years 1987, 1988, and 1989.

25 USC 2454.

SEC. 4221. MODEL INDIAN JUVENILE CODE.

Contracts.

42 USC 5601 note.

The Secretary of the Interior, either directly or by contract, shall provide for the development of a Model Indian Juvenile Code which shall be consistent with the Juvenile Justice and Delinquency Prevention Act of 1974 and which shall include provisions relating to the disposition of cases involving Indian youth arrested or detained by Bureau of Indian Affairs or tribal law enforcement personnel for alcohol or drug related offenses. The development of such model code shall be accomplished in cooperation with Indian organizations having an expertise or knowledge in the field of law enforcement and judicial procedure and in consultation with Indian tribes. Upon completion of the Model Code, the Secretary shall make copies available to each Indian tribe.

25 USC 2455.

SEC. 4222. LAW ENFORCEMENT AND JUDICIAL REPORT.

Contracts.

25 USC 450 note.

(a) COMPILATION OF LAW ENFORCEMENT DATA.—The Secretary of the Interior, with respect to the administration of any law enforcement or judicial services program by the Bureau of Indian Affairs, either directly or through contracts under the Indian Self-Determination Act, shall require the compilation of data relating to calls and encounters, arrests and detentions, and disposition of cases by Bureau of Indian Affairs or tribal law enforcement or judicial personnel involving Indians where it is determined that alcohol or substance abuse is a contributing factor.

(b) REFERRAL OF DATA.—The data compiled pursuant to subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan and shall also be submitted to the Indian Health Service unit director who will have the responsibility for compiling a tribal comprehensive report as provided in section 4230.

(c) CONFIDENTIALITY.—In carrying out this section, the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals involved.

PART VI—INDIAN ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION

25 USC 2471.

SEC. 4224. REVIEW OF PROGRAMS.

(a) IN GENERAL.—In the development of the Memorandum of Agreement required by section 4205, the Secretary of the Interior and the Secretary of Health and Human Services shall review and consider—

(1) the various programs established by Federal law providing health services and benefits to Indian tribes, including those relating to mental health and alcohol and substance abuse prevention and treatment, and

(2) tribal, State and local, and private health resources and programs,

(3) where facilities to provide such treatment are or should be located, and

(4) the effectiveness of public and private alcohol and substance abuse treatment programs in operation on the date of the enactment of this subtitle,

to determine their applicability and relevance in carrying out the purposes of this subtitle.

(b) DISSEMINATION.—The results of the review conducted under subsection (a) shall be provided to every Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan.

SEC. 4225. INDIAN HEALTH SERVICE RESPONSIBILITIES.

25 USC 2472.

The Memorandum of Agreement entered into pursuant to section 4205 shall include specific provisions pursuant to which the Indian Health Service shall assume responsibility for—

(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Indian Health Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost,

(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse, and

(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

SEC. 4226. INDIAN HEALTH SERVICE PROGRAM.

25 USC 2473.

The Secretary of Health and Human Services, acting through the Indian Health Service, shall provide a program of comprehensive alcohol and substance abuse prevention and treatment which shall include—

(1) prevention, through educational intervention, in Indian communities,

(2) acute detoxification and treatment,

(3) community-based rehabilitation, and

(4) community education and involvement, including extensive training of health care, educational, and community-based personnel.

The target population of such a program shall be the members of Indian tribes. Additionally, efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

SEC. 4227. INDIAN HEALTH SERVICE YOUTH PROGRAM.

25 USC 2474.

(a) DETOXIFICATION AND REHABILITATION.—The Secretary shall develop and implement a program for acute detoxification and treatment for Indian youth who are alcohol and substance abusers. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis. These regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

(b) CENTERS.—The Secretary shall construct or renovate a youth regional treatment center in each area under the jurisdiction of an Indian Health Service area office. For purposes of the preceding sentence, the area offices of the Indian Health Service in Tucson and Phoenix, Arizona, shall be considered one area office. The regional treatment centers shall be appropriately staffed with health professionals. There are authorized to be appropriated $6,000,000 for the construction and renovation of the regional youth treatment centers, and $3,000,000 for the staffing of such centers, for each of the fiscal years 1987, 1988, and 1989.

(c) FEDERALLY OWNED STRUCTURES.—

(1) The Secretary of Health and Human Services, acting through the Indian Health Service, shall, in consultation with Indian tribes—

(A) identify and use, where appropriate, federally owned structures, suitable as local residential or regional alcohol and substance abuse treatment centers for Indian youth, and

(B) establish guidelines for determining the suitability of any such federally owned structure to be used as a local residential or regional alcohol and substance abuse treatment center for Indian youth.

(2) Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary of Health and Human Services and the agency having responsibility for the structure.

(3) There are authorized to be appropriated $3,000,000 for each of the fiscal years 1987, 1988, and 1989.

(d) REHABILITATION AND FOLLOW-UP SERVICES.—

(1) The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each Indian Health Service service unit community-based rehabilitation and follow-up services for Indian youth who are alcohol or substance abusers which are designed to integrate long-term treatment and to monitor and support the Indian youth after their return to their home community.

(2) Services under paragraph (1) shall be administered within each service unit by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff shall include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

(3) For the purpose of providing the services authorized by paragraph (1), there are authorized to be appropriated $9,000,000 for each of the fiscal years 1987, 1988, and 1989.

25 USC 2475.

SEC. 4228. TRAINING AND COMMUNITY EDUCATION.

(a) COMMUNITY EDUCATION.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education in alcohol and substance abuse to the critical core of each tribal community, including political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical parties.

Contracts.

(b) TRAINING.—The Secretary of Health and Human Services shall, either directly or through contract, provide instruction in the area of alcohol and substance abuse, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol syndrome to appropriate employees of the Bureau of Indian Affairs and the Indian Health Services, and personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Indian Health Service, including supervisors of emergency shelters and half-way houses described in section 4213.

(c)(1) Demonstration Program.—The Secretary of Health and Human Services shall establish at least one demonstration project to determine the most effective and cost-efficient means of—

(A) providing health promotion and disease prevention services,

(B) encouraging Indians to adopt good health habits,

(C) reducing health risks to Indians, particularly the risks of heart disease, cancer, stroke, diabetes, depression, and lifestyle-related accidents,

(D) reducing medical expenses of Indians through health promotion and disease prevention activities,

(E) establishing a program—

(i) which trains Indians in the provision of health promotion and disease prevention services to members of their tribe, and

Contracts.

(ii) under which such Indians are available on a contract basis to provide such services to other tribes, and

(F) providing training and continuing education to employees of the service, and to paraprofessionals participating in the Community Health Representative Program, in the delivery of health promotion and disease prevention services.

(2) The demonstration project described in paragraph (1) shall include an analysis of the cost effectiveness of organizational structures and of social and educational programs that may be useful in achieving the objectives described in paragraph (1).

(3)(A) The demonstration project described in paragraph (1) shall be conducted in association with at least one—

(i) health profession school,

(ii) allied health profession or nurse training institution, or

(iii) public or private entity that provides health care.

Contracts.
Grants.

(B) The Secretary is authorized to enter into contracts with, or make grants to, any school of medicine or school of osteopathy for the purpose of carrying out the demonstration project described in paragraph (1).

(C) For purposes of this paragraph, the term "school of medicine" and "school of osteopathy" have the respective meaning given to such terms by section 701(4) of the Public Health Service Act (42 U.S.C. 292a(4)).

Report.

(4) The Secretary shall submit to Congress a final report on the demonstration project described in paragraph (1) within 60 days after the termination of such project.

(5) For purposes of this paragraph, the term "health promotion" shall include:

(A) reduction in the misuse of alcohol and drugs,

(B) cessation of tobacco smoking,

(C) improvement of nutrition,

(D) improvement in physical fitness,

(E) family planning, and

(F) control of stress.

(6) For purposes of this paragraph, the term "disease prevention" shall include:

(A) immunizations,

(B) control of high blood pressure,

(C) control of sexually transmittable diseases,

(D) prevention and control of diabetes,

(E) pregnancy and infant care (including prevention of fetal alcohol syndrome),

(F) control of toxic agents,

(G) occupational safety and health,

(H) accident prevention,

(I) fluoridation of water, and

(J) control of infectious agents.

(7) Section 4228 is amended by adding at the end the following: "*Provided*, That $500,000 shall be made available for activities described under section 4228(c)(1)".

100 STAT. 3207-152

(d) AUTHORIZATION.—There are authorized to be appropriated $4,000,000 for the fiscal year 1987 and such sums as are necessary to carry out the purposes of this section for the fiscal years 1988 and 1989.

25 USC 2476.

SEC. 4229. NAVAJO ALCOHOL REHABILITATION DEMONSTRATION PROGRAM.

Grants.

(a) DEMONSTRATION PROGRAM.—The Secretary of Health and Human Services shall make grants to the Navajo tribe to establish a demonstration program in the city of Gallup, New Mexico, to rehabilitate adult Navajo Indians suffering from alcoholism or alcohol abuse.

(b) EVALUATION AND REPORT.—The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, shall evaluate the program established under subsection (a) and submit a report on such evaluation to the appropriate committees of Congress by January 1, 1990.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of grants under subsection (a) $300,000 for each of the fiscal years 1988, 1989, and 1990. Not more than 10 percent of the funds appropriated for any fiscal year may be used for administrative purposes.

25 USC 2477.
Contracts.

SEC. 4230. INDIAN HEALTH SERVICE REPORTS.

25 USC 450 note.

(a) COMPILATION OF DATA.—The Secretary of Health and Human Services, with respect to the administration of any health program by an Indian Health Service service unit, directly or through contract, including a contract under the Indian Self-Determination Act, shall require the compilation of data relating to the number of cases or incidents which any of the Indian Health Service personnel or services were involved and which were related, either directly or indirectly, to alcohol or substance abuse. Such report shall include the type of assistance provided and the disposition of these cases.

(b) REFERRAL OF DATA.—The data compiled under subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan.

(c) COMPREHENSIVE REPORT.—Each Indian Health Service service unit director shall be responsible for assembling the data compiled under this section and section 4204 into an annual tribal comprehensive report which shall be provided to the affected tribe and to the Director of the Indian Health Service who shall develop and publish a biennial national report on such tribal comprehensive reports.

Subtitle D—Miscellaneous Provisions

SEC. 4301. ACTION GRANTS.

42 USC 4951 note.
42 USC 4950 note.

The Domestic Volunteer Service Act of 1973 (as amended by the Domestic Volunteer Service Act Amendments of 1986) is amended—

(1) in title I by adding after section 123 the following new section:

"SPECIAL INITIATIVES

Voluntarism.
42 USC 4994.

"SEC. 124. The Director is authorized to engage in activities that mobilize and initiate private sector efforts to increase voluntarism in preventing drug abuse through public awareness and education

100 STAT. 3207-153

(including grants, contracts, conferences, public service announcements, speakers bureau, public-private partnerships and technical assistance to nonprofit and for-profit organizations).";

42 USC 5081.

(2) by amending subsection (c) of section 501 by adding at the end thereof the following new sentence: "In addition to the amounts authorized to be appropriated by the preceding sentence, there is authorized to be appropriated the aggregate sum of $5,500,000 for fiscal years 1987 and 1988 to be made available for drug abuse prevention."; and

(3) by amending section 504 by adding at the end thereof the following new sentence: "In addition to the amounts authorized to be appropriated for the administration of this Act by the preceding sentence, there is authorized to be appropriated the aggregate sum of $500,000 for fiscal years 1987 and 1988 to be available for support of drug abuse prevention.". 42 USC 5084.

SEC. 4302. ESTABLISHMENT OF NATIONAL TRUST FOR DRUG-FREE YOUTH.

20 USC 4665.

(a) In order to encourage private gifts of real and personal property to assist the Secretary of Education in carrying out the national programs of drug abuse research, education, and prevention under subtitle B, there is hereby established a charitable, nonprofit, and nonpartisan corporation to be known as the National Trust for Drug-Free Youth.

(b) The National Trust for Drug-Free Youth (hereinafter in this section referred to as the "National Trust") shall be under the general direction of a Board of Directors. The overall priorities, policies, and goals of the National Trust shall be determined by the Board in consultation with the Secretary. The Board shall coordinate the activities of the National Trust for Drug-Free Youth with the Secretary. The Board shall be composed of three members appointed as follows:

(1) one member shall be appointed by the President;

(2) one member shall be appointed by the Speaker of the House of Representatives; and

(3) one member shall be appointed by the Majority Leader of the Senate.

(c) The National Trust shall have its principal office in the District of Columbia and for the purposes of venue in civil actions shall be considered an inhabitant and resident of the District.

(d) The National Trust shall have the following general powers:

(1) to have succession until dissolved by Act of Congress, in which event title to the properties of the National Trust, both real and personal shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States of America;

(2) to adopt, alter, and use a corporate seal which shall be judicially noticed;

(3) to sue and be sued, complain and defend in any court of competent jurisdiction;

(4) to adopt and establish such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as the Board considers necessary for the administration of its functions, including among other matter, bylaws, rules, and regulations governing administration of corporate funds;

(5) to accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust, for the purposes for which the National Trust is created;

(6) to sell, exchange, or otherwise dispose of as it may determine from time to time the moneys, securities, or other gifts given or bequeathed to it;

(7) to appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Trust is created; and

(8) to audit the financial records of the corporation.

(e) The National Trust shall not have authority—

(1) to issue shares or stock or declare or pay dividends; or

(2) to loan funds to its officers or directors.

(f) The Board shall submit an annual report and independent audit to the Congress and the President concerning the expenditure of funds under the National Trust. Report.

21 USC 801 note.

SEC. 4303. INFORMATION ON DRUG ABUSE AT THE WORKPLACE.

(a) The Secretary of Labor shall collect such information as is available on the incidence of drug abuse in the workplace and efforts to assist workers, including counseling, rehabilitation and employee assistance programs. The Secretary shall conduct such additional research as is necessary to assess the impact and extent of drug abuse and remediation efforts. The Secretary shall submit the findings of such collection and research to the House Committee on Education and Labor and the Senate Committee on Labor and Human Services no later than two years from the date of enactment of this Act.

(b) There is authorized to be appropriated the aggregate sum of $3,000,000 for fiscal years 1987 and 1988, to remain available until expended, to enable the Secretary of Labor to carry out the purposes of this section.

21 USC 801 note.

SEC. 4304. INTERAGENCY COORDINATION.

(a) The Secretary of Education, the Secretary of Health and Human Services, and the Secretary of Labor shall each designate an officer or employee of the Departments of Education, Health and Human Services, and Labor, respectively, to coordinate interagency drug abuse prevention activities to prevent duplication of effort.

Report.

(b) Within one year after enactment of this Act, a report shall be jointly submitted to the Congress by such Secretaries concerning the extent to which States and localities have been able to implement non-duplicative drug abuse prevention activities.

TITLE V—UNITED STATES INSULAR AREAS AND NATIONAL PARKS

United States Insular Areas Drug Abuse Act of 1986.

Subtitle A—Programs in United States Insular Areas

48 USC 1494 note.

SEC. 5001. SHORT TITLE.

This subtitle may be cited as the "United States Insular Areas Drug Abuse Act of 1986".

48 USC 1494.

SEC. 5002. PURPOSES.

The purposes of this subtitle are to improve enforcement of drug laws and enhance interdiction of illicit drug shipments in the

100 STAT. 3207-155

Caribbean and Pacific territories and commonwealths of the United States and to assist public and private sector drug abuse prevention and treatment programs in United States insular areas.

48 USC 1494a.

SEC. 5003. ANNUAL REPORTS TO CONGRESS.

President of U.S.

The President shall report annually to the Congress as to—

(1) the efforts and success of Federal agencies in preventing the illegal entry into the United States of controlled substances from the insular areas of the United States outside the customs territory of the United States and states freely associated with the United States and the nature and extent of such illegal entry, and

(2) the efforts and success of Federal agencies in preventing the illegal entry from other nations, including states freely associated with the United States, of controlled substances into the United States territories and the commonwealths for use in the territories and commonwealths or for transshipment to the United States and the nature and extent of such illegal entry and use.

48 USC 1494b.

SEC. 5004. ENFORCEMENT AND ADMINISTRATION IN INSULAR AREAS.

(a) AMERICAN SAMOA.—(1) With the approval of the Attorney General of the United States or his designee, law enforcement officers of the Government of American Samoa are authorized to—

(A) execute and serve warrants, subpoenas, and summons issued under the authority of the United States;

(B) make arrests without warrant; and

(C) make seizures of property to carry out the purposes of this subtitle, the Controlled Substances Import and Export Act (21 U.S.C. 951-970), and any other applicable narcotics laws of the United States.

(2) The Attorney General and the Secretary of Health and Human Services of the United States are authorized to—

(A) train law enforcement officers of the Government of American Samoa, and

(B) provide by purchase or lease law enforcement equipment and technical assistance to the Government of American Samoa to carry out the purposes of this subtitle and any other Federal or territorial drug abuse laws.

(3) There are authorized to be appropriated $700,000 to carry out the purposes of this subsection, to remain available until expended.

(b) GUAM.—(1) The Attorney General and the Secretary of Health and Human Services of the United States may provide technical assistance and equipment to the Government of Guam to carry out the purposes of this subtitle and any other Federal or territorial drug abuse law.

(2) There are authorized to be appropriated $1,000,000 to carry out paragraph (1). Funds appropriated under this paragraph shall remain available until expended.

(c) THE NORTHERN MARIANA ISLANDS.—(1) With the approval of the Attorney General of the United States or his designee, law enforcement officers of the Government of the Northern Mariana Islands are authorized to—

(A) execute and serve warrants, subpoenas, and summons issued under the authority of the United States;

(B) make arrests without warrant; and

(C) make seizures of property to carry out the purposes of this subtitle, the Controlled Substances Import and Export Act (21 U.S.C. 951-970), and any other applicable narcotics laws of the United States.

Northern Mariana Islands.

(2) The Attorney General of the United States and the Secretary of Health and Human Services, as appropriate, are authorized to—

(A) train law enforcement officers of the Government of the Northern Mariana Islands, and

(B) provide, by purchase or lease, law enforcement equipment and technical assistance to the Government of the Northern Mariana Islands to carry out the purposes of this subtitle and any other Federal or commonwealth drug abuse law.

(3) There are authorized to be appropriated $250,000 to carry out the purposes of this subsection, to remain available until expended.

(4) Federal personnel and equipment assigned to Guam pursuant to subsection (b) of this section shall also be available to carry out the purposes of this subtitle in the Northern Mariana Islands.

Grants.

(d) PUERTO RICO.—(1) There are authorized to be appropriated for grants to the Government of Puerto Rico—

(A) $3,300,000 for the purchase of 2 helicopters;

(B) $3,500,000 for the purchase of an aircraft; and

(C) $1,000,000 for the purchase and maintenance of 5 high-speed vessels.

Sums appropriated under this paragraph shall remain available until expended.

(2) The United States Customs Service should station an aerostat in Puerto Rico.

(3) Equipment provided to the Government of Puerto Rico pursuant to paragraph (1) of this subsection shall be made available upon request to the Federal agencies involved in drug interdiction in Puerto Rico.

(4)(A) The Attorney General and the Secretary of Health and Human Services of the United States may provide technical assistance and equipment to the Government of Puerto Rico to carry out the purposes of this subtitle and any other Federal or commonwealth drug abuse law.

(B) There are authorized to be appropriated such sums as may be necessary to carry out subparagraph (A). Funds appropriated under this subparagraph shall remain available until expended.

Grants.

(e) THE VIRGIN ISLANDS.—(1) There are authorized to be appropriated for grants to the Government of the Virgin Islands—

(A) $3,000,000 for 2 patrol vessels, tracking equipment, supplies, and agents, and

(B) $1,000,000 for programs to prevent and treat narcotics abuse, such sums to remain available until expended.

(2) The United States Coast Guard should station a patrol vessel in St. Croix, Virgin Islands.

(3)(A) The Attorney General and the Secretary of Health and Human Services of the United States may provide technical assistance and equipment to the Government of the United States Virgin Islands to carry out the purposes of this subtitle and any other Federal or territorial drug abuse law.

(B) There are authorized to be appropriated such sums as may be necessary to carry out subparagraph (A). Funds appropriated under this subparagraph shall remain available until expended.

National Park Police Drug Enforcement Supplemental Authority Act. 16 USC 1 note.

Subtitle B—National Park Service Program

SEC. 5051. SHORT TITLE.

This subtitle may be cited as the "National Park Police Drug Enforcement Supplemental Authority Act".

16 USC 1 note.

100 STAT. 3207-157

SEC. 5052. NATIONAL PARK POLICE AUTHORIZATION.

In order to improve Federal law enforcement activities relating to the use of narcotics and prohibited substances in National Park System units there are made available to the Secretary of the Interior, in addition to sums made available under other authority of law, $1,000,000 for the fiscal year 1987, and for each fiscal year thereafter, to be used for the employment and training of additional Park Police, for equipment and facilities to be used by Park Police, and for expenses related to such employment, training, equipment, and facilities.

Federal Employee Substance Abuse Education and Treatment Act of 1986. 5 USC 7301 note.

TITLE VI—FEDERAL EMPLOYEE SUBSTANCE ABUSE EDUCATION AND TREATMENT

SEC. 6001. SHORT TITLE.

This title may be cited as the "Federal Employee Substance Abuse Education and Treatment Act of 1986".

SEC. 6002. PROGRAMS TO PROVIDE PREVENTION, TREATMENT, AND REHABILITATION SERVICES TO FEDERAL EMPLOYEES WITH RESPECT TO DRUG AND ALCOHOL ABUSE.

(a) IN GENERAL.—(1) Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—DRUG ABUSE, ALCOHOL ABUSE, AND ALCOHOLISM

5 USC 7361.

"§ 7361. Drug abuse

"(a) The Office of Personnel Management shall be responsible for developing, in cooperation with the President, with the Secretary of Health and Human Services (acting through the National Institute on Drug Abuse), and with other agencies, and in accordance with applicable provisions of this subchapter, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among employees. Such agencies are encouraged to extend, to the extent feasible, such programs and services to the families of employees and to employees who have family members who are drug abusers. Such programs and services shall make optimal use of existing governmental facilities, services, and skills.

"(b) Section 527 of the Public Health Service Act (42 U.S.C. 290ee-3), relating to confidentiality of records, and any regulations prescribed thereunder, shall apply with respect to records maintained for the purpose of carrying out this section.

Reports.

"(c) Each agency shall, with respect to any programs or services provided by such agency, submit such written reports as the Office may require in connection with any report required under section 7363 of this title.

"(d) For the purpose of this section, the term 'agency' means an Executive agency.

5 USC 7362.

"§ 7362. Alcohol abuse and alcoholism

"(a) The Office of Personnel Management shall be responsible for developing, in cooperation with the Secretary of Health and Human Services and with other agencies, and in accordance with applicable provisions of this subpart, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among employees. Such agencies are encouraged to extend, to the extent feasible, such programs and services to the families of alcoholic employees and to employees who have family members who are alcoholics. Such programs and services shall make optimal use of existing governmental facilities, services, and skills.

"(b) Section 523 of the Public Health Service Act (42 U.S.C. 290dd-3), relating to confidentiality of records, and any regulations prescribed thereunder, shall apply with respect to records maintained for the purpose of carrying out this section.

"(c) Each agency shall, with respect to any programs or services provided by such agency, submit such written reports as the Office may require in connection with any report required under section 7363 of this title.

"(d) For the purpose of this section, the term 'agency' means an Executive agency.

5 USC 7363.

"§ 7363. Reports to Congress

"(a) The Office of Personnel Management shall, within 6 months after the date of the enactment of the Federal Employee Substance Abuse Education and Treatment Act of 1986 and annually thereafter, submit to each House of Congress a report containing the matters described in subsection (b).

"(b) Each report under this section shall include—

"(1) a description of any programs or services provided under section 7361 or 7362 of this title, including the costs associated with each such program or service and the source and adequacy of any funding such program or service;

"(2) a description of the levels of participation in each program and service provided under section 7361 or 7362 of this title, and the effectiveness of such programs and services;

"(3) a description of the training and qualifications required of the personnel providing any program or service under section 7361 or 7362 of this title;

"(4) a description of the training given to supervisory personnel in connection with recognizing the symptoms of drug or alcohol abuse and the procedures (including those relating to confidentiality) under which individuals are referred for treatment, rehabilitation, or other assistance;

"(5) any recommendations for legislation considered appropriate by the Office and any proposed administrative actions; and

"(6) information describing any other related activities under section 7904 of this title, and any other matter which the Office considers appropriate.".

(2) The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—DRUG ABUSE, ALCOHOL ABUSE, AND ALCOHOLISM

"Sec.
"7361. Drug abuse.
"7362. Alcohol abuse and alcoholism.
"7363. Reports to Congress.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.— The Public Health Service Act is amended—

(1) in section 521 (42 U.S.C. 290dd-1)—

(A) by striking out subsection (a);

100 STAT. 3207-159

(B) by striking out "similar" in subsection (b)(1); and

(C) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(2) in section 525 (42 U.S.C. 290ee-1)—

(A) by striking out subsection (a);

(B) by striking out "similar" in subsection (b)(1); and

(C) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

5 USC 7361 note.

SEC. 6003. EDUCATIONAL PROGRAM FOR FEDERAL EMPLOYEES RELATING TO DRUG AND ALCOHOL ABUSE.

(a) ESTABLISHMENT.—The Director of the Office of Personnel Management shall, in consultation with the Secretary of Health and Human Services, establish a Government-wide education program, using seminars and such other methods as the Director considers appropriate, to carry out the purposes prescribed in subsection (b).

(b) PURPOSES.—The program established under this section shall be designed to provide information to Federal Government employees with respect to—

(1) the short-term and long-term health hazards associated with alcohol abuse and drug abuse;

(2) the symptoms of alcohol abuse and drug abuse;

(3) the availability of any prevention, treatment, or rehabilitation programs or services relating to alcohol abuse or drug abuse, whether provided by the Federal Government or otherwise;

(4) confidentiality protections afforded in connection with any prevention, treatment, or rehabilitation programs or services;

(5) any penalties provided under law or regulation, and any administrative action (permissive or mandatory), relating to the use of alcohol or drugs by a Federal Government employee or the failure to seek or receive appropriate treatment or rehabilitation services; and

(6) any other matter which the Director considers appropriate.

SEC. 6004. EMPLOYEE ASSISTANCE PROGRAMS RELATING TO DRUG ABUSE AND ALCOHOL ABUSE.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

5 USC 7904.

"§ 7904. Employee assistance programs relating to drug abuse and alcohol abuse

"(a) The head of each Executive agency shall, in a manner consistent with guidelines prescribed under subsection (b) of this section and applicable provisions of law, establish appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and alcohol abuse for employees in or under such agency.

"(b) The Office of Personnel Management shall, after such consultations as the Office considers appropriate, prescribe guidelines for programs and services under this section.

"(c) The Secretary of Health and Human Services, on request of the head of an Executive agency, shall review any program or service provided under this section and shall submit comments and recommendations to the head of the agency concerned.".

(b) Conforming Amendment.—The analysis for chapter 79 of title 5, United States Code, is amended by adding at the end the following:

"7904. Employee assistance programs relating to drug abuse and alcohol abuse.".

100 STAT. 3207-160

SEC. 6005. SUBSTANCE ABUSE COVERAGE STUDY.

21 USC 801 note.

Contracts.

(a) Study.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to conduct a study of (1) the extent to which the cost of drug abuse treatment is covered by private insurance, public programs, and other sources of payment, and (2) the adequacy of such coverage for the rehabilitation of drug abusers.

(b) Report.—Not later than one year after the date of the enactment of this Act the Secretary of Health and Human Services shall transmit to the Congress a report of the results of the study conducted under subsection (a). The report shall include recommendations of means to meet the needs identified in such study.

SEC. 6006. HEALTH INSURANCE COVERAGE FOR DRUG AND ALCOHOL TREATMENT.

21 USC 801 note.

(a) Findings.—The Congress finds that—

(1) drug and alcohol abuse are problems of grave concern and consequence in American society;

(2) over 500,000 individuals are known heroin addicts; 5 million individuals use cocaine; and at least 7 million individuals regularly use prescription drugs, mostly addictive ones, without medical supervision;

(3) 10 million adults and 3 million children and adolescents abuse alcohol, and an additional 30 to 40 million people are adversely affected because of close family ties to alcoholics;

(4) the total cost of drug abuse to the Nation in 1983 was over $60,000,000,000; and

(5) the vast majority of health benefits plans provide only limited coverage for treatment of drug and alcohol addiction, which is a fact that can discourage the abuser from seeking treatment or, if the abuser does seek treatment, can cause the abuser to face significant out of pocket expenses for the treatment.

(b) Sense of Congress.—It is the sense of Congress that—

(1) all employers providing health insurance policies should ensure that the policies provide adequate coverage for treatment of drug and alcohol addiction in recognition that the health consequences and costs for individuals and society can be as formidable as those resulting from other diseases and illnesses for which insurance coverage is much more adequate; and

State and local governments.

(2) State insurance commissioners should encourage employers providing health benefits plans to ensure that the policies provide more adequate coverage for treatment of drug and alcohol addiction.

TITLE VII—NATIONAL ANTIDRUG REORGANIZATION AND COORDINATION

National Antidrug Reorganization and Coordination Act.

SEC. 7001. SHORT TITLE.

This title may be cited as the "National Antidrug Reorganization and Coordination Act".

SEC. 7002. FINDINGS.

The Congress finds that—

100 STAT. 3207-161

(1) the Federal Government's response to drug trafficking and drug abuse is divided among several dozen agencies and bureaus of the Government, ranging from the Department of Defense to the Department of Health and Human Services;

(2) numerous recent congressional hearings and reports, reports by the Comptroller General, and studies by Executive branch agencies have documented the waste and inefficiency caused by this division of responsibilities;

(3) interagency competition for credit and budget dollars imposes critical obstacles to efficient application of national resources in combating drug trafficking and drug abuse; and

(4) successfully combating such trafficking and drug abuse requires coherent planning that includes intelligent organization and operations of Executive branch agencies.

President of U.S. State and local governments.

SEC. 7003. SUBMISSION OF LEGISLATION.

Not later than 6 months after the date of enactment of this title, the President shall submit to each House of Congress recommendations for legislation to reorganize the Executive branch of the Government to more effectively combat drug traffic and drug abuse. In the preparation of such recommendations, the President shall consult with the Comptroller General, State and local law enforcement authorities, relevant committees of the Congress, and the Attorney General and the Secretaries of State, the Treasury, Transportation, Health and Human Services, Defense, and Education.

President's Media Commission on Alcohol and Drug Abuse Prevention Act. 21 USC 1301 note.

TITLE VIII—PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION

SEC. 8001. SHORT TITLE.

This title may be cited as the "President's Media Commission on Alcohol and Drug Abuse Prevention Act".

21 USC 1301.

SEC. 8002. ESTABLISHMENT.

There is established a commission to be known as the President's Media Commission on Alcohol and Drug Abuse Prevention (hereinafter in this title referred to as the "Commission").

21 USC 1302.

SEC. 8003. DUTIES OF COMMISSION.

The Commission shall—

(1) examine public education programs in effect on the date of the enactment of this title which are—

(A) implemented through various segments of mass media; and

(B) intended to prevent alcohol and drug abuse;

(2) act as an administrative and coordinating body for the voluntary donation of resources from—

(A) television, radio, motion picture, cable communications, and print media;

(B) the recording industry;

(C) the advertising industry;

(D) the business sector of the United States; and

(E) professional sports organizations and associations;

to assist the implementation of new programs and national strategies for dissemination of information intended to prevent alcohol and drug abuse;

100 STAT. 3207-162

(3) encourage media outlets throughout the country to provide information aimed at preventing alcohol and drug abuse, including public service announcements, documentary films, and advertisements; and

(4) evaluate the effectiveness and assist in the update of programs and national strategies formulated with the assistance of the Commission.

21 USC 1303.

SEC. 8004. MEMBERSHIP.

(a) Number and Appointment.—The Commission shall be composed of 12 members appointed by the President within 30 days after the date of the enactment of this title, and should include representatives of—

(1) advertising agencies;

(2) motion picture, television, radio, cable communications, and print media;

(3) the recording industry;

(4) other segments of the business sector of the United States;

(5) experts in the prevention of alcohol and drug abuse;

(6) professional sports organizations and associations; and

(7) other Federal agencies, as designated by the President, including the Director of the Agency for Substance Abuse Prevention of the Department of Health and Human Services.

(b) TERMS.—(1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of 3 years.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(3) A member may serve after the expiration of his term until his successor has taken office.

(c) BASIC PAY AND EXPENSES.—(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons serving intermittently in the Government service are allowed travel expenses under section 5703 of title 5, United States Code.

SEC. 8005. MEETINGS. 21 USC 1304.

(a) IN GENERAL.—(1) The Commission shall meet at the call of the Moderator.

(2) The Moderator shall convene the 1st meeting of the Commission within 30 days after the date of the completion of appointments under section 8004(a).

(b) MODERATOR.—One member of the Commission shall be designated by the President to serve as Moderator of the Commission.

(c) QUORUM AND PROCEDURE.—The Commission shall adopt rules regarding quorum requirements and meeting procedures as the Commission deems appropriate at the 1st meeting of the Commission.

(d) VOTING.—Decisions and official acts of the Commission shall be according to the vote of a majority of members at a properly called meeting.

SEC. 8006. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS. 21 USC 1305.

(a) DIRECTOR AND STAFF.—(1) Subject to paragraph (2), the Moderator, with the approval of the Commission, may employ and set the rate of pay for a Director and such staff as the Moderator deems necessary.

(2) Rates of pay set under paragraph (1) shall be less than the rate of basic pay payable under section 5316 of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Moderator, with the approval of the Commission, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title.

SEC. 8007. POWERS OF COMMISSION. 21 USC 1306.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) **Obtaining Official Data.**—Upon the request of the Moderator of the Commission, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title.

(c) **Gifts.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) **Mails.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **Administrative Support Services.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

21 USC 1307.

SEC. 8008. REPORT.

The Commission shall transmit to the President and to each House of Congress a report not later than July 31 of each year which contains a detailed statement of the activities of the Commission during the preceding year, including a summary of the number of public service announcements produced by the Commission and published or broadcast.

21 USC 1308.

SEC. 8009. TERMINATION.

The Commission shall terminate on a date which is three years after the date on which members of the Commission are first appointed, unless the President, by Executive order, extends the authority of the Commission.

TITLE IX—DENIAL OF TRADE BENEFITS TO UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

SEC. 9001. TARIFF TREATMENT OF PRODUCTS OF UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES.

19 USC 2101.

The Trade Act of 1974 is amended by adding at the end thereof the following:

Narcotics Control Trade Act.

"TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

19 USC 2491.

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'Narcotics Control Trade Act'.

19 USC 2492.

"SEC. 802. TARIFF TREATMENT OF PRODUCTS OF UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES.

"(a) **Required Action by President.**—Subject to subsection (b), for every major drug producing country and every major drug-transit country, the President shall, on or after March 1, 1987, and March 1 of each succeeding year, to the extent considered necessary by the President to achieve the purposes of this title—

"(1) deny to any or all of the products of that country tariff treatment under the Generalized System of Preferences, the Caribbean Basin Economic Recovery Act, or any other law providing preferential tariff treatment;

19 USC 2701 note.

"(2) apply to any or all of the dutiable products of that country an additional duty at a rate not to exceed 50 percent ad valorem or the specific rate equivalent;

"(3) apply to one or more duty-free products of that country a duty at a rate not to exceed 50 percent ad valorem; or

"(4) take any combination of the actions described in paragraphs (1), (2), and (3).

"(b) Certifications; Congressional Action.—(1) Subsection (a) shall not apply with respect to a country if the President determines and so certifies to the Congress, at the time of the submission of the report required by section 481(e) of the Foreign Assistance Act of 1961, that during the previous year that country has cooperated fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing the laundering in that country of drug-related profits or drug-related monies.

Ante, p. 3207-63.

"(2) In making the certification required by paragraph (1), the President shall give foremost consideration to whether the actions of the government of the country have resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to section 481(e)(4) of the Foreign Assistance Act of 1961. The President shall also consider whether such government—

100 STAT. 3207-165

"(A) has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States; and

"(B) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related monies, as evidence by—

"(i) the enactment and enforcement of laws prohibiting such conduct,

"(ii) the willingness of such government to enter into mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

"(iii) the degree to which such government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts.

Congress.

"(3) Subsection (a) shall apply to a country without regard to paragraph (1) of this subsection if the Congress enacts, within 30 days of continuous session after receipt of a certification under paragraph (1), a joint resolution disapproving the determination of the President contained in that certification.

President of U.S.

"(4) If the President takes action under subsection (a), that action shall remain in effect until—

"(A) the President makes the certification under paragraph (1), a period of 30 days of continuous session of Congress elapses, and during that period the Congress does not enact a joint resolution of disapproval; or

"(B) the President submits at any other time a certification of the matters described in paragraph (1) with respect to that country, a period of 30 days of continuous session of Congress elapses, and during that period the Congress does not enact a joint resolution of disapproving the determination contained in that certification.

"(5) For the purpose of expediting the consideration and enactment of joint resolutions under paragraphs (3) and (4)—

"(A) a motion to proceed to the consideration of any such joint resolution after it has been reported by the Committee on Ways and Means shall be treated as highly privileged in the House of Representatives; and

"(B) a motion to proceed to the consideration of any such joint resolution after it has been reported by the Committee on Finance shall be treated as privileged in the Senate.

"(c) DURATION OF ACTION.—The action taken by the President under subsection (a) shall apply to the products of a foreign country that are entered, or withdrawn from warehouse for consumption, during the period that such action is in effect.

19 USC 2493.

"SEC. 803. SUGAR QUOTA.

"Notwithstanding any other provision of law, the President may not allocate any limitation imposed on the quantity of sugar to any country which has a Government involved in the trade of illicit narcotics or is failing to cooperate with the United States in narcotics enforcement activities as defined in section 802(b) as determined by the President.

19 USC 2494.

"SEC. 804. PROGRESS REPORTS.

"The President shall include as a part of the annual report required under section 481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1)) an evaluation of progress that each major drug producing country and each major drug-transit country has made during the reporting period in achieving the objectives set forth in section 802(b).

19 USC 2495.

"SEC. 805. DEFINITIONS.

"For purposes of this title—

"(1) continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated;

"(2) the term 'major drug producing country' means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year; and

"(3) the term 'major drug-transit country' means a country—

"(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;

"(B) through which are transported such drugs or substances; or

"(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government; and

"(4) the term 'narcotic and psychotropic drugs and other controlled substances' has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country or countries concerned.".

SEC. 9002. CONFORMING AMENDMENTS.

(a) GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(1) by striking out paragraph (5);

(2) by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7); and

(3) by striking out "(5)," in the last sentence.

(b) CARIBBEAN BASIN ECONOMIC RECOVERY.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (5);

(2) by striking out paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

TITLE X—BALLISTIC KNIFE PROHIBITION

Ballistic Knife Prohibition Act of 1986.

SEC. 10001. SHORT TITLE.

15 USC 1241 note.

This title may be cited as the "Ballistic Knife Prohibition Act of 1986".

SEC. 10002. PROHIBITION OF POSSESSION, MANUFACTURE, SALE, AND IMPORTATION OF BALLISTIC KNIVES.

The Act entitled "An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes" (15 U.S.C. 1232 et seq.) is amended by adding at the end the following:

15 USC 1241.

15 USC 1245.

"SEC. 7. (a) Whoever knowingly possesses, manufactures, sells, or imports a ballistic knife shall be fined as provided in title 18, United States Code, or imprisoned not more than ten years, or both.

"(b) Whoever possesses or uses a ballistic knife in the commission of a Federal or State crime of violence shall be fined as provided in title 18, United States Code, or imprisoned not less than five years and not more than ten years, or both.

"(c) The exceptions provided in paragraphs (1), (2), and (3) of section 4 with respect to switchblade knives shall apply to ballistic knives under subsection (a) of this section.

"(d) As used in this section, the term 'ballistic knife' means a knife with a detachable blade that is propelled by a spring-operated mechanism.".

SEC. 10003. NONMAILABILITY OF BALLISTIC KNIVES.

Section 1716 of title 18, United States Code, is amended by inserting after subsection (h) and before the first undesignated paragraph after such subsection the following:

"(i)(1) Any ballistic knife shall be subject to the same restrictions and penalties provided under subsection (g) for knives described in the first sentence of that subsection.

"(2) As used in this subsection, the term 'ballistic knife' means a knife with a detachable blade that is propelled by a spring-operated mechanism.".

SEC. 10004. EFFECTIVE DATE.

15 USC 1245 note.

The amendments made by this title shall take effect 30 days after the date of enactment of this title.

TITLE XI—HOMELESS ELIGIBILITY CLARIFICATION ACT

Homeless Eligibility Clarification Act.
7 USC 2011 note.

SEC. 11001. SHORT TITLE.

This title may be cited as the "Homeless Eligibility Clarification Act".

Subtitle A—Emergency Food for the Homeless

SEC. 11002. MEALS SERVED TO HOMELESS INDIVIDUALS.

(a) DEFINITION OF FOOD.—Section 3(g) of the Food Stamp Act of 1977 (7 U.S.C. 2012(g)) is amended—

(1) in clause (1), by striking out "and (8)" and inserting in lieu thereof "(8), and (9)";

(2) by striking out "and" at the end of clause (7); and

(3) by inserting before the period at the end thereof the following: ", and (9) in the case of households that do not reside in permanent dwellings and households that have no fixed mailing addresses, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate State or local agency) that feeds such individuals and by a public or private nonprofit shelter (approved by an appropriate State or local agency) in which such households temporarily

100 STAT. 3207-168

reside (except that such establishments and shelters may only request voluntary use of food stamps by such individuals and may not request such households to pay more than the average cost of the food contained in a meal served by the establishment or shelter)".

(b) Definition of Household.—The last sentence of section 3(i) of such Act (7 U.S.C. 2012(i)) is amended by inserting after "battered women and children," the following: "residents of public or private nonprofit shelters for individuals who do not reside in permanent dwellings or have no fixed mailing addresses, who are otherwise eligible for coupons,".

(c) Definition of Retail Food Store.—Section 3(k)(2) of such Act (7 U.S.C. 2012(k)(2)) is amended by striking "and (8)" and inserting in lieu thereof "(8), and (9)".

(d) Participation of Establishments and Shelters.—Section 9 of such Act (7 U.S.C. 2018) is amended by adding at the end thereof the following new subsection:

"(g) In an area in which the Secretary, in consultation with the Inspector General of the Department of Agriculture, finds evidence that the participation of an establishment or shelter described in section 3(g)(9) damages the program's integrity, the Secretary shall limit the participation of such establishment or shelter in the food stamp program, unless the establishment or shelter is the only establishment or shelter serving the area.".

(e) Redemption of Coupons.—The first sentence of section 10 of such Act (7 U.S.C. 2019) is amended—

(1) by striking out "and" after "battered women and children,"; and

(2) by inserting after "blind residents" the following: ", and public or private nonprofit establishments, or public or private nonprofit shelters that feed individuals who do not reside in permanent dwellings and individuals who have no fixed mailing addresses".

Effective date.
Regulations.
7 USC 2012 note.

(f)(1) The amendments made by this section shall become effective, and be implemented by issuance of final regulations, not later than April 1, 1987.

Report.

(2) Not later than September 30, 1988, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the program established by the amendments made by this section, including any proposed legislative recommendations.

(3) The amendments made by this section shall cease to be effective after September 30, 1990.

Subtitle B—Job Training for the Homeless

SEC. 11004. JOB TRAINING FOR THE HOMELESS.

29 USC 1531.

(a) Governor's Coordination and Special Services Plan To Include Homeless.—(1) Section 121(b)(1) of the Job Training Partnership Act (20 U.S.C. 1531(b)(1)) is amended by inserting after "rehabilitation agencies" a comma and the following: "programs for the homeless".

(2) Section 121(c)(3) of the Job Training Partnership Act is amended by inserting after "offenders" a comma and the following: "homeless individuals".

100 STAT. 3207-169

(b) Barriers to Employment Rule.—Section 203(a)(2) of the Job Training Partnership Act (29 U.S.C. 1603(a)(2)) is amended by striking out "or addicts" and inserting in lieu thereof "addicts, or homeless".

Subtitle C—Entitlements Eligibility

SEC. 11005. TREATMENT OF HOMELESS INDIVIDUALS ELIGIBLE UNDER SSI AND MEDICAID PROGRAMS.

(a) SSI PROGRAM.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall provide a method of making payments under this title to an eligible individual who does not reside in a permanent dwelling or does not have a fixed home or mailing address.".

(b) MEDICAID PROGRAM.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (45),

(2) by striking the period at the end of paragraph (46) and inserting in lieu thereof "; and", and

(3) by adding at the end the following new paragraph:

"(47) provide a method of making cards evidencing eligibility for medical assistance available to an eligible individual who does not reside in a permanent dwelling or does not have a fixed home or mailing address.".

(c) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

42 USC 1383 note.

(2) The amendments made by subsection (b) shall become effective on January 1, 1987, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

42 USC 1396aa note.

(d) AFDC.—No later than six months after the date of enactment of this act and after consultation with the States administering plans under Title IV of the Social Security Act, the Secretary of Health and Human Services shall issue guidelines to the States for providing benefits under Title IV to a dependent child who does not reside in a permanent dwelling or does not have a fixed home or mailing address.

State and local governments.
42 USC 602 note.
42 USC 601.

SEC. 11006. APPLICATION FOR SSI AND FOOD STAMP BENEFITS BY SSI PRE-RELEASE INDIVIDUALS.

Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end thereof the following new subsection:

"PRE-RELEASE PROCEDURES FOR INSTITUTIONALIZED PERSONS

"(j) The Secretary shall develop a system under which an individual can apply for supplemental security income benefits under this title prior to the discharge or release of the individual from a public institution. The Secretary and the Secretary of Agriculture shall develop a procedure under which an individual who applies for supplemental security income benefits under this title shall also be permitted to apply for participation in the food stamp program by executing a single application.".

100 STAT. 3207-170

SEC. 11007. DELIVERY OF VETERANS' BENEFITS PAYMENTS.

(a) IN GENERAL.—(1) Section 3003 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Benefits under laws administered by the Veterans' Administration may not be denied an applicant on the basis that the applicant does not have a mailing address.".

(2) Section 3020 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) In the case of a payee who does not have a mailing address, payments of monetary benefits under laws administered by the

Veterans' Administration shall be delivered under an appropriate method prescribed pursuant to paragraph (2) of this subsection.

"(2) The Administrator shall prescribe an appropriate method or methods for the delivery of payments of monetary benefits under laws administered by the Veterans' Administration in cases described in paragraph (1) of this subsection. To the maximum extent practicable, such method or methods shall be designed to ensure the delivery of payments in such cases.".

38 USC 3003 note.

(b) Effective Date.—(1) The amendment made by subsection (a)(1) shall take effect on the date of enactment of this Act.

38 USC 3020 note.

(2) The amendment made by subsection (a)(2) shall take effect with respect to payments made on or after October 1, 1986.

Commercial Motor Vehicle Safety Act of 1986.
49 USC app. 2701 note.

TITLE XII—COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

SECTION 12001. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Commercial Motor Vehicle Safety Act of 1986".

(b) Table of Contents.—

Sec. 12001. Short title.
Sec. 12002. Limitation on number of driver's licenses.
Sec. 12003. Notification requirements.
Sec. 12004. Employer responsibilities.
Sec. 12005. Testing of operators.
Sec. 12006. Commercial driver's license.
Sec. 12007. Commercial driver's license information system.
Sec. 12008. Federal disqualifications.
Sec. 12009. Requirements for State participation.
Sec. 12010. Grant program.
Sec. 12011. Withholding of highway funds for State noncompliance.
Sec. 12012. Penalties.
Sec. 12013. Waiver authority.
Sec. 12014. Commercial motor vehicle safety grants.
Sec. 12015. Truck brake regulations.
Sec. 12016. Radar demonstration project.
Sec. 12017. Limitation on statutory construction.
Sec. 12018. Regulations.
Sec. 12019. Definitions.

Effective date.
State and local governments.
49 USC app. 2701.

SEC. 12002. LIMITATION ON NUMBER OF DRIVER'S LICENSES.

Effective July 1, 1987, no person who operates a commercial motor vehicle shall at any time have more than one driver's license, except during the 10-day period beginning on the date such person is issued a driver's license and except whenever a State law enacted on or before June 1, 1986, requires such person to have more than one driver's license. The second exception in the preceding sentence shall not be effective after December 31, 1989.

Effective dates.
49 USC app. 2702.

SEC. 12003. NOTIFICATION REQUIREMENTS.

(a) Notification of Violations.—

(1) To states.—Effective July 1, 1987, each person who operates a commercial vehicle, who has a driver's license issued by a State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) in any other State shall notify a State official designated by the State which issued such license of such violation, within 30 days after the date such person is found to have committed such violation.

(2) To employers.—Effective July 1, 1987, each person who operates a commercial vehicle, who has a driver's license issued by a State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) shall notify his or her employer of such violation, within 30 days after the date such person is found to have committed such violation.

(b) Notification of Suspensions.—Effective July 1, 1987, each employee who has a driver's license suspended, revoked, or cancelled by a State, who loses the right to operate a commercial motor vehicle in a State for any period, or who is disqualified from operating a commercial motor vehicle for any period shall notify his or her employer of such suspension, revocation, cancellation, lost right, or disqualification, within 30 days after the date of such suspension, revocation, cancellation, lost right, or disqualification.

(c) Notification of Previous Employment.—

(1) General rule.—Effective July 1, 1987, subject to paragraph (2) of this subsection, each person who operates a commercial motor vehicle and applies for employment as an operator of a commercial motor vehicle with an employer shall notify at the time of such application the employer of his or her previous employment as an operator of a commercial motor vehicle.

Regulations.

(2) Period of previous employment.—The Secretary shall establish by regulation the period for which previous employment must be notified under paragraph (1), except that such period shall not be less than a 10-year period ending on the date of application for employment.

Effective date.
State and local governments.
49 USC app. 2703.

SEC. 12004. EMPLOYER RESPONSIBILITIES.

Effective July 1, 1987, no employer shall knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in the United States during any period—

(1) in which such employee has a driver's license suspended, revoked, or cancelled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or

(2) in which such employee has more than 1 driver's license, except during the 10-day period beginning on the date such employee is issued a driver's license and except whenever a State law enacted on or before June 1, 1986, requires such employee to have more than one driver's license.

The second exception in paragraph (2) shall not be effective after December 31, 1989.

49 USC app. 2704.
Regulations.

SEC. 12005. TESTING OF OPERATORS.

(a) Establishment of Minimum Federal Standards.—Not later than July 15, 1988, the Secretary shall issue regulations to establish

100 STAT. 3207-172

minimum Federal standards for testing and ensuring the fitness of persons who operate commercial motor vehicles. Such regulations—

(1) shall establish minimum Federal standards for written tests and driving tests of persons who operate such vehicles;

(2) shall require a driving test of each person who operates or will operate a commercial motor vehicle in a vehicle which is representative of the type of vehicle such person operates or will operate;

(3) shall establish minimum Federal testing standards for operation of commercial motor vehicles and, if the Secretary considers appropriate to carry out the objectives of this title, may establish different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that each person taking such tests has a working knowledge of (A) regulations pertaining to safe operation of a commercial motor vehicle issued by the Secretary and contained in title 49 of the Code of Federal Regulations, and (B) any safety system of such vehicle;

(5) in the case of a person who operates or will operate a commercial motor vehicle carrying a hazardous material, shall ensure—

(A) that such person is qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to motor vehicle transportation of such material issued by the Secretary under the Hazardous Materials Transportation Act; and

(B) that such person has a working knowledge of—

(i) such regulations,

(ii) handling of such material,

(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of such material, and

(iv) appropriate response procedures to be followed in such emergencies;

(6) shall establish minimum scores for passing such tests;

(7) shall ensure that each person taking such tests is qualified to operate a commercial motor vehicle under the regulations issued by the Secretary and contained in title 49 of the Code of Federal Regulations to the extent such regulations are applicable to such person; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to each person who passes such tests; and

(B) such person to have a copy of such certification in his or her possession whenever such person is operating a commercial motor vehicle.

(b) Requirement for Operation of CMV.—

(1) General rule.—Except as provided under paragraph (2), no person may operate a commercial motor vehicle unless such person has taken and passed a written and driving test to operate such vehicle which meets the minimum Federal standards established by the Secretary under subsection (a).

Regulations.

(2) Exception.—The Secretary may issue regulations which provide that a person—

(A) who passes a driving test for operation of a commercial motor vehicle in accordance with the minimum standards established under subsection (a), and

(B) who has a driver's license which is not suspended, revoked, or cancelled,

may operate such a vehicle for a period not to exceed 90 days.

(3) Effective date.—Paragraph (1) shall take effect on such date as the Secretary shall establish by regulation. Such date shall be as soon as practicable after the date of the enactment of this title but not later than April 1, 1992.

State and local governments.

(c) Basic Grant Program.—

(1) Eligibility for fiscal years 1987, 1988, and 1989.—The Secretary may make a grant to a State in any of fiscal years 1987, 1988, and 1989—

(A) if the State enters into an agreement with the Secretary to develop a program for testing and ensuring the fitness of persons who operate commercial motor vehicles; and

(B) if the State has in effect and enforces in such fiscal year a law which provides that any person with a blood alcohol concentration of 0.10 percent or greater when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(2) Eligibility after fiscal year 1989.—The Secretary may make a grant to a State in a fiscal year beginning after September 30, 1989—

(A) if the State enters into an agreement with the Secretary—

(i) to adopt and administer in such fiscal year a program for testing and ensuring the fitness of persons who operate commercial motor vehicles in accordance with all of the minimum Federal standards established by the Secretary under subsection (a); and

(ii) to require that operators of commercial motor vehicles have passed written and driving tests which comply with such minimum standards; and

(B) if the State has in effect and enforces in such fiscal year a law which provides that any person with a blood alcohol concentration of 0.10 percent or greater when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(3) ADMINISTRATION OF DRIVING TEST.—A State—

(A) may administer driving tests referred to in paragraph (2) and section 12009(a); or

(B) may enter into an agreement, approved by the Secretary, to administer such tests with a person (including a department, agency or instrumentality of a local government) which meets such minimum standards as the Secretary shall establish by regulation—

(i) if the agreement allows the Secretary and the State each to conduct random examinations, inspections, and audits of such testing without prior notification; and

(ii) if the State conducts at least annually one onsite inspection of such testing.

(4) MINIMUM AMOUNT OF GRANT.—The Secretary shall determine the amount of grants in a fiscal year to be made under this subsection to a State eligible to receive such grants in the fiscal year; except that—

(A) such State shall not be granted less than $100,000 under this subsection in the fiscal year; and

(B) to the extent that any States are granted more than $100,000 per State in the fiscal year under this subsection, the Secretary shall ensure that such States are treated equitably.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN FISCAL YEARS 1987, 1988, AND 1989.—A State receiving a grant under this subsection in fiscal year 1987, 1988, or 1989 may only use the funds provided under such grant for developing a program for testing and ensuring the fitness of persons who operate commercial motor vehicles.

(B) THEREAFTER.—A State receiving a grant under this subsection in any fiscal year beginning after September 30, 1989, may only use the funds provided under such grant for testing operators of commercial motor vehicles.

(6) DEVELOPMENT OF TESTING PROGRAM DESCRIBED.—For purposes of this subsection and subsection (d), development of a program for testing and ensuring the fitness of persons who operate commercial motor vehicles includes but is not limited to studies of the number of vehicles which will need to be tested under such program in a calendar year, studies of facilities at which testing of such persons could be conducted, and studies of additional resources (including personnel) which will be necessary to conduct such testing.

(7) FUNDING.—There shall be available to the Secretary to carry out this subsection $5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

Post, p. 3207-186.

(d) SUPPLEMENTAL GRANT PROGRAM.—

State and local governments.

(1) ELIGIBILITY AND PURPOSES.—The Secretary may make in a fiscal year grants to States eligible to receive grants under subsection (c) in such fiscal year. A grant made under this subsection in fiscal year 1987, 1988, or 1989 shall be used for developing a program for testing and ensuring the fitness of persons who operate commercial motor vehicles. A grant made

under this subsection in any fiscal year beginning after September 30, 1989, shall be used for testing operators of commercial motor vehicles.

(2) DISTRIBUTION.—Funds granted under this subsection in a fiscal year beginning after September 30, 1989, shall be distributed among the States eligible to receive grants under subsection (c) in such fiscal year on the basis of the number of written and driving tests administered, and the number of drivers' licenses for operation of commercial motor vehicles, issued in the preceding fiscal year.

(3) FUNDING.—There shall be available to the Secretary to carry out this subsection—

(A) $3,000,000 from funds made available to carry out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration for each of fiscal years 1987, and 1988;

(B) $3,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991.

49 USC app. 2304. State and local governments.

(e) LIMITATIONS ON GRANT PROGRAMS.—

(1) MAINTENANCE OF EFFORT.—The Secretary may not make a grant to any State under this section unless such State agrees that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for testing of operators of commercial motor vehicles will be maintained at a level which does not fall below the average level of such expenditure for its last two fiscal years preceding the date of the enactment of this title.

(2) PERIOD OF AVAILABILITY.—Funds made available to carry out this subsection shall remain available for obligation by the State for the fiscal year for which such funds are made available. Any of such funds not obligated before the last day of such period shall no longer be available for obligation by such State and shall be available to the Secretary for carrying out the purposes of this title. Funds made available pursuant to this section shall remain available until expended.

(3) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant to a State under this section shall be deemed to be a contractual obligation of the United States for payment of the amount of the grant.

49 USC app. 2705. State and local governments. Regulations.

SEC. 12006. COMMERCIAL DRIVER'S LICENSE.

Not later than July 15, 1988, the Secretary, after consultation with the States, shall issue regulations establishing minimum uniform standards for the issuance of commercial drivers' licenses by the States and for information to be contained on such licenses. Such standards shall, at a minimum, require that—

(1) each person who is issued a commercial driver's license passes a written and driving test for the operation of a commercial motor vehicle which complies with the minimum Federal standards established by the Secretary under section 12005(a);

(2) the commercial drivers' licenses are, to the maximum extent practicable, tamper proof; and

(3) each commercial driver's license contain the following information:

(A) the name and address of the person to whom such license is issued and a physical description of such person;

(B) the social security number or such other number or information as the Secretary determines appropriate to identify such person;

(C) the class or type of commercial motor vehicle or vehicles which such person is authorized to operate under such license;

(D) the name of the State which issued such license; and

(E) the dates between which such license is valid.

SEC. 12007. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.

49 USC app 2706.

(a) Deadline.—Not later than January 1, 1989, the Secretary shall either enter into an agreement under subsection (b) for operation of, or establish under subsection (c), an information system which will serve as a clearinghouse and depository of information pertaining to the licensing and identification of operators of commercial motor vehicles and the disqualification of such operators from operating commercial motor vehicles. In carrying out this section, the Secretary consult the States.

100 STAT. 3207-176

(b) Agreement for Use of Non-Federal System.—

State and local governments.

(1) Review.—Not later than January 1, 1988, the Secretary shall conduct a review of information systems utilized by 1 or more States pertaining to the driving status of operators of motor vehicles and other State-operated information systems for the purpose of determining whether or not any of such systems could be utilized to carry out this section.

(2) Agreement.—If the Secretary determines that one of the information systems reviewed under paragraph (1) could be utilized to carry out this section and the State or States utilizing such system agree to the use of such system for carrying out this section, the Secretary may enter into an agreement with such State or States for the use of such system in accordance with the provisions of this section and section 12009(c).

(3) Terms of agreement.—Any agreement entered into under this subsection shall contain such terms and conditions as the Secretary considers necessary to carry out the objectives of this title.

(c) Establishment.—If the Secretary does not enter into an agreement under subsection (b), the Secretary shall establish an information system pertaining to the driving status and licensing of operators of commercial motor vehicles in accordance with the provisions of this section.

(d) Minimum Information.—The information system under this section shall, at a minimum, include the following information concerning each operator of a commercial motor vehicle:

(1) Such information as the Secretary considers appropriate to ensure identification of such operator.

(2) The name and address of such operator and a physical description of such operator.

(3) The social security number of such operator or such other number or information as the Secretary determines appropriate to identify such operator.

(4) The name of the State which issued the driver's license to such operator.

(5) The dates between which such license is valid.

(6) Whether or not such operator has or has had a driver's license which authorized such person to operate a commercial motor vehicle suspended, revoked, or cancelled by a State, has lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle.

(e) Availability of Information.—

(1) To state.—Upon request of a State, the Secretary or the operator of the information system, as the case may be, may make available to such State information in the information system under this section.

(2) To the employee.—Upon request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to such employee information in the information system relating to such employee.

(3) To employer.—Upon request of an employer or prospective employer of an employee and after notification of such employee, the Secretary or the operator of the information system, as the case may be, may make available to such em-

100 STAT. 3207-177 ployer or prospective employer information in the information system relating to such employee.

(4) To the secretary.—Upon the request of the Secretary, the operator of the information system shall make available to the Secretary such information pertaining to the driving status and licensing of operators of commercial motor vehicles (including the information required by subsection (d)) as the Secretary may request.

(f) Collection of Fees.—If the Secretary establishes an information system under this section, the Secretary shall establish a fee system for utilization of the information system. The amount of fees collected pursuant to this subsection in any fiscal year shall as nearly as possible equal the costs of operating the information system in such fiscal year. The Secretary shall deposit fees collected under this subsection in the Highway Trust Fund (other than the Mass Transit Account).

(g) Funding.—There shall be available to the Secretary to carry out this section not to exceed $2,000,000 from funds made available to carry out section 402 of title 23, United States Code, by the National Highway Safety Traffic Administration for each of fiscal years 1987, 1988, and 1989. Such funds shall remain available until expended.

49 USC app. 2707.

SEC. 12008. FEDERAL DISQUALIFICATIONS.

(a) Drunk Driving; Leaving the Scene of an Accident; Felonies.—

(1) First offense.—

(A) General rule.—Except as provided in subparagraph (B) and paragraph (2), the Secretary shall disqualify from operating a commercial motor vehicle for a period of not less than 1 year each person—

(i) who is found to have committed a first violation—

(I) of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance, or

(II) of leaving the scene of an accident involving a commercial motor vehicle operated by such person; or

(ii) who uses a commercial motor vehicle in the commission of a felony (other than a felony described in subsection (b)).

(B) Special rule.—If the vehicle operated or used in connection with the violation or the commission of the felony referred to in subparagraph (A) is transporting a hazardous material required by the Secretary to be placarded under section 105 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804), the Secretary shall disqualify the person for a period of not less than 3 years.

(2) Second offense.—

(A) General rule.—Subject to subparagraph (B), the Secretary shall disqualify from operating a commercial motor vehicle for life each person—

(i) who is found to have committed more than one violation of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

100 STAT. 3207-178

(ii) who is found to have committed more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by such person;

(iii) who uses a commercial motor vehicle in the commission of more than one felony arising out of different criminal episodes; or

(iv)(I) who is found to have committed a violation described in clause (i) or (ii), and

(II) who is found to have committed a violation described in the other of such clauses or uses a commercial motor vehicle in the commission of a felony.

(B) SPECIAL RULE.—The Secretary may issue regulations which establish guidelines (including conditions) under which a disqualification for life under subparagraph (A) may be reduced to a period of not less than 10 years.

(b) CONTROLLED SUBSTANCE FELONIES.—The Secretary shall disqualify from operating a commercial motor vehicle for life each person who uses a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(c) SERIOUS TRAFFIC VIOLATIONS.—

(1) SECOND VIOLATION.—The Secretary shall disqualify from operating a commercial motor vehicle for a period of not less than 60 days each person who, in a 3-year period, is found to have committed 2 serious traffic violations involving a commercial motor vehicle operated by such person.

(2) THIRD VIOLATION.—The Secretary shall disqualify from operating a commercial motor vehicle for a period of not less than 120 days each person who, in a 3-year period, is found to have committed 3 serious traffic violations involving a commercial motor vehicle operated by such person.

(d) ENFORCEMENT OF DRINKING AND DRIVING REGULATIONS.—

(1) OUT OF SERVICE.—Not later than 1 year after the date of enactment of this title, the Secretary, for purposes of enforcing section 392.5 of the Code of Federal Regulations, shall issue regulations which establish and enforce an out of service period of 24 hours for any person who violates such section.

(2) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—No person shall violate an out-of-service order issued under paragraph (1) of this subsection.

(3) REPORTING REQUIREMENTS.—Not later than 1 year after the date of the enactment of this title, the Secretary shall issue regulations establishing and enforcing requirements for reporting of out-of-service orders issued pursuant to regulations issued under paragraph (1). Regulations issued under this paragraph shall, at a minimum, require an operator of a commercial motor vehicle who is issued such an order to report such issuance to his or her employer and to the State which issued such operator his or her driver's license.

(e) LIMITATION ON APPLICABILITY.—

State and local governments.

(1) GENERAL RULE.—Notwithstanding any requirement of subsections (a), (b), and (c) of this section, the Secretary does not have to disqualify from operating a commercial motor vehicle any person who has been disqualified from operating a commercial motor vehicle in accordance with such requirement by the State which issued the driver's license which authorized such person to operate such vehicle.

(2) SATISFACTION OF STATE DISQUALIFICATION.—For purposes of paragraph (1), suspension, revocation, or cancellation of a driver's license which authorizes a person to operate a commercial motor vehicle by a State shall be treated as disqualification of such person from operating such vehicle.

(f) BLOOD ALCOHOL CONCENTRATION LEVEL.—

(1) STUDY.—

(A) NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this title, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the appropriateness of reducing the blood alcohol concentration level at or above which a person when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol from 0.10 to 0.04 percent.

(B) Report.—In entering into any arrangements with the National Academy of Sciences for conducting the study under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 1 year after the date of the enactment of this title, to the Secretary a report on the results of such study.

(2) Rulemaking.—Not later than 1 year after the date of the enactment of this title, the Secretary shall commence a rulemaking to determine whether or not, for purposes of this section and section 12009 of this Act, the blood alcohol concentration level at or above which a person when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol should be reduced from 0.10 to 0.04 percent (or some other percentage less than 0.10).

(3) Issuance of rule.—Not later than 2 years after the date of the enactment of this title, the Secretary shall issue a rule which establishes, for purposes of this section and section 12009 of this Act, the blood alcohol concentration level at or above which a person when operating a commercial motor vehicle shall be deemed to be driving while under the influence of alcohol at 0.10 percent or such lesser percentage as the Secretary determines appropriate.

(4) Failure of the secretary to issue rule.—If the Secretary does not issue a rule described in paragraph (3) in the 2-year period beginning on the date of the enactment of this title, for purposes of this section and section 12009 of this Act, the blood alcohol concentration level at or above which a person operating a commercial motor vehicle shall be deemed to be driving while under the influence of alcohol shall be 0.04 percent.

49 USC app. 2708.

SEC. 12009. REQUIREMENTS FOR STATE PARTICIPATION.

(a) In General.—In order not to have funds withheld under section 12011 from apportionment, each State shall comply with the following requirements:

(1) Testing program.—The State shall adopt and administer a program for testing and ensuring the fitness of persons to operate commercial motor vehicles in accordance with all of the minimum Federal standards established by the Secretary under section 12005(a).

(2) Test standards.—The State shall not issue a commercial driver's license to a person unless such person passes a written and driving test for the operation of a commercial motor vehicle which complies with such minimum standards.

(3) Driving while under the influence.—The State shall have in effect and enforce a law which provides that any person with a blood alcohol concentration level at or above the level established by or under section 12008(f) when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(4) CDL issuance and information.—The State shall authorize a person to operate a commercial motor vehicle only by issuance of a commercial driver's license which contains the information described in section 12006(a)(3).

(5) Advance notification of licensing.—At least 60 days before issuance of a commercial driver's license or such shorter period as the Secretary may establish by regulation, the State shall notify the Secretary or the operator of the information system under section 12007, as the case may be, of the proposed issuance of such license and such other information as the Secretary may require to ensure identification of the person applying for such license.

(6) Information request.—Before issuance of a commercial driver's license to a person, the State shall request from any other State which has issued a commercial driver's license to such person all information pertaining to the driving record of such person.

(7) NOTIFICATION OF LICENSING.—Within 30 days after issuance of a commercial driver's license, the State shall notify the Secretary or the operator of the information system under section 12007, as the case may be, of the issuance.

(8) NOTIFICATION OF DISQUALIFICATIONS.—Within 10 days after disqualification of the holder of a commercial driver's license from operating a commercial motor vehicle (or after suspension, revocation, or cancellation of such license) for a period of 60 days or more, the State shall notify—

(A) the Secretary or the operator of the information system under section 12007, as the case may be, and

(B) the State which issued the license,

of such disqualification, suspension, revocation, or cancellation.

(9) NOTIFICATION OF TRAFFIC VIOLATIONS.—Within 10 days after a person who operates a commercial motor vehicle, who has a driver's license issued by any other State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) in the State, shall notify a State official designated by the State which issued such license of such violation, within 10 days after the date such person is found to have committed such violation.

(10) LIMITATION ON LICENSING.—The State shall not issue a commercial driver's license to a person during a period in which such person is disqualified from operating a commercial motor vehicle or the driver's license of such person is suspended, revoked, or cancelled.

(11) RETURN OF OLD LICENSES.—The State shall not issue a commercial driver's license to a person who has a commercial driver's license issued by any other State unless such person first returns the driver's license issued by such other State.

(12) DOMICILE REQUIREMENT.—The State shall issue commercial drivers' licenses only to those persons who operate or will operate commercial motor vehicles and are domiciled in the State; except that the State, in accordance with such regulations as the Secretary shall issue, may issue a commercial driver's license to a person who operates or will operate a commercial motor vehicle and who is not domiciled in a State which does issue commercial drivers' licenses.

(13) PENALTY APPROVAL.—The State shall impose such penalties as the State determines appropriate and the Secretary approves for operating a commercial motor vehicle while not having a commercial driver's license, while having a driver's license suspended, revoked, or cancelled, or while being disqualified from operating a commercial motor vehicle.

(14) RECIPROCITY.—The States shall allow any person—

(A) who has a commercial driver's license—

(i) which is issued by any other State in accordance with the minimum Federal standards for the issuance of such licenses, and

(ii) which is not suspended, revoked, or cancelled; and

(B) who is not disqualified from operating a commercial motor vehicle;

to operate a commercial motor vehicle in the State.

(15) FIRST OFFENSES.—The State shall disqualify from operating a commercial motor vehicle for a period of not less than 1 year each person—

(A) who is found to have committed a first violation—

(i) of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance, or

(ii) of leaving the scene of an accident involving a commercial motor vehicle operated by such person; or

(B) who uses a commercial motor vehicle in the commission of a felony (other than a felony described in paragraph (17));

except that if the vehicle being operated or used in connection with such violation or the commission of such felony is transporting a hazardous material required by the Secretary to be placarded under section 105 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804), the State shall disqualify such person from operating a commercial motor vehicle for a period of not less than 3 years.

(16) SECOND OFFENSES.—

(A) GENERAL RULE.—Subject to subparagraph (B), the State shall disqualify from operating a commercial motor vehicle for life each person—

(i) who is found to have committed more than one violation of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

(ii) who is found to have committed more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by such person;

(iii) who uses a commercial motor vehicle in the commission of more than one felony arising out of different criminal episodes; or

(iv)(I) who is found to have committed a violation described in clause (i) or (ii), and

100 STAT. 3207-182

(II) who is found to have committed a violation described in the other of such clauses or uses a commercial motor vehicle in the commission of a felony.

(B) SPECIAL RULE.—The State, in accordance with such guidelines (including conditions) as the Secretary may establish by regulation, may reduce a disqualification for life in accordance with subparagraph (A) to a period of not less than 10 years.

(17) DRUG OFFENSES.—The State shall disqualify from operating a commercial motor vehicle for life each person who uses a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(18) SECOND SERIOUS TRAFFIC VIOLATION.—The State shall disqualify from operating a commercial motor vehicle for a period of not less than 60 days each person who, in a 3-year period, is found to have committed 2 serious traffic violations involving a commercial motor vehicle operated by such person.

(19) THIRD SERIOUS TRAFFIC VIOLATION.—The State shall disqualify from operating a commercial motor vehicle for a period of not less than 120 days each person who, in a 3-year period, is found to have committed 3 serious traffic violations involving a commercial motor vehicle operated by such person.

(20) NATIONAL DRIVER REGISTER INFORMATION.—Before issuing a commercial driver's license to operate a commercial motor vehicle to any person, the State shall request the Secretary for information from the National Driver Register established pursuant to the National Driver Register Act of 1982 (23 U.S.C. 401 note) (after such Register is determined by the Secretary to be operational)—

(A) on whether such person has been disqualified from operating a motor vehicle (other than a commercial motor vehicle);

(B) on whether such person has had a license (other than a license authorizing such person to operate a commercial motor vehicle) suspended, revoked, or cancelled for cause in the 3-year period ending on the date of application for such commercial driver's license; and

(C) on whether such person has been convicted of any of the offenses specified in section 205(a)(3) of such Act.

The State shall give full weight and consideration to such information in deciding whether to issue a commercial driver's license to such person.

(21) Out of service regulations.—The State shall adopt and enforce any regulations issued by the Secretary under section 12008(d)(1).

(b) Satisfaction of State Disqualification Requirement.—A State may satisfy the requirements of subsection (a) that the State disqualify a person who operates a commercial motor vehicle if the State suspends, revokes, or cancels the driver's license issued to such person in accordance with the requirements of such subsection.

(c) Notification.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to any person, the Secretary or the operator of the information system under section 12007, as the case may be, shall notify such State of whether or not such person has a commercial driver's license issued by any other State or has been disqualified from operating a commercial motor vehicle by any other State or the Secretary.

SEC. 12010. GRANT PROGRAM.

State and local governments.
49 USC app. 2709.

(a) Establishment.—The Secretary may make a grant to a State in a fiscal year if the State enters into an agreement with the Secretary to participate in such fiscal year in the commercial driver's license program established by this title and the information system required by this title and to comply with the requirements of section 12009.

(b) Minimum Amount of Grant.—The Secretary shall determine the amount of grants in a fiscal year to be made under this section to a State eligible to receive such grants in the fiscal year; except that—

(1) such State shall not be granted less than $100,000 under this section in the fiscal year; and

(2) to the extent that any States are granted more than $100,000 per State in the fiscal year under this section, the Secretary shall ensure that such States are treated equitably.

(c) Limitation on Use of Funds.—A State receiving a grant under this section may only use the funds provided under such grant for issuing commercial driver's licenses and complying with the requirements of section 12009.

(d) Contract Authority.—Notwithstanding any other provision of law, approval by the Secretary of a grant to a State under this section shall be deemed to be a contractual obligation of the United States for payment of the amount of the grant.

(e) Period of Availability.—Funds made available to carry out this section shall remain available for obligation by the State for the fiscal year for which such funds are made available. Any of such funds not obligated before the last day of such period shall no longer be available to such State and shall be available to the Secretary for carrying out the purposes of this title. Funds made available pursuant to this section shall remain available until expended.

(f) Funding.—There shall be available to the Secretary to carry out this section $5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991.

Post, p. 3207-186.

SEC. 12011. WITHHOLDING OF HIGHWAY FUNDS FOR STATE NONCOMPLIANCE.

49 USC app. 2710.

(a) First Year.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of title 23, United States Code, on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(b) After the First Year.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of such title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—

(A) PERIOD OF AVAILABILITY.—Any funds withheld under this section from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

23 USC 104.

(i) If such funds would have been apportioned under section 104(b)(5)(B) of such title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(ii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of such title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this subsection from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1), the State substantially complies with all of the requirements of section 12009(a) of this Act for a period of 365 days, the Secretary shall on the day following the last day of such period apportion to such State the withheld funds remaining available for apportionment to such State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year succeeding the fiscal year in which such funds are apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of such title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

23 USC 104.
23 USC 118.

(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not substantially complied with all of the requirements of section 12009(a) of this Act for a 365-day period, such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of such title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

SEC. 12012. PENALTIES.

(a) NOTICE OF VIOLATION.—Paragraph (1) of section 521(b) of title 49, United States Code, is amended by inserting "or section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984" and by striking out "section" the second place it appears and inserting in lieu thereof "sections".

(b) CIVIL PENALTIES.—Paragraph (2) of such section is amended, by inserting "(A) IN GENERAL.—" before "Except as", by inserting "(other than subparagraph (B))" before ", except for recordkeeping violations", and by striking out the last two sentences and inserting in lieu thereof the following:

"(B) VIOLATIONS PERTAINING TO CDLS.—Any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986 shall be liable to the United States for a civil penalty not to exceed $2,500 for each offense.

Claims.

"(C) DETERMINATION OF AMOUNT.—The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.".

(c) POSTING OF NOTICE.—Paragraph (3) of such section is amended by inserting "or section 12002, 12003, 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984".

(d) OUT OF SERVICE ORDERS.—Paragraph (5)(A) of such section is amended by inserting "or section 12002, 12003, 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984" and by striking out "section" the second place it appears and inserting in lieu thereof "sections".

(e) CRIMINAL PENALTIES.—Paragraph (6) of such section is amended by inserting "(A) IN GENERAL.—" before "Any person" and by adding at the end thereof the following:

"(B) VIOLATIONS PERTAINING TO CDLS.—Any person who knowingly and willfully violates—

"(i) any provision of section 12002, 12003(b), 12003(c), 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986 or a regulation issued under such section, or

"(ii) with respect to notification of a serious traffic violation as defined under section 12019 of such Act, any provision of section 12003(a) of such Act or a regulation issued under such section 12003(a),

shall, upon conviction, be subject for each offense to a fine not to exceed $5,000 or imprisonment for a term not to exceed 90 days, or both.".

(f) CONFORMING AMENDMENTS.—(1) Paragraph (2) of such section is amended by inserting "CIVIL PENALTY.—" after "(2)", by indenting subparagraph (A), as designated by subsection (b) of this section, and aligning such subparagraph with subparagraph (B), as added by such subsection (b).

(2) Paragraph (6) of such section is amended by inserting "CRIMINAL PENALTIES.—" after "(6)" and by indenting subparagraph (A), as designated by subsection (e) of this section, and aligning such subparagraph with subparagraph (B), as added by such subsection (e).

(g) TECHNICAL AMENDMENTS.—(1) Paragraph (6) of such section is further amended by striking out "for a fine" and inserting in lieu thereof "to a fine".

100 STAT. 3207-186

(2) Paragraph (13) of such section is amended by striking out "section 4" and inserting in lieu thereof "section 204".

SEC. 12013. WAIVER AUTHORITY.

49 USC app. 2711.

Notwithstanding any other provision of this title, after notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any provision of this title or any regulation issued under this title with respect to class of persons or class of commercial motor vehicles if the Secretary determines that such waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. Any waiver under this section shall be published in the Federal Register, together with reasons for such waiver.

Federal Register, publication.

SEC. 12014. COMMERCIAL MOTOR VEHICLE SAFETY GRANTS.

Section 404 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2304) is amended to read as follows:

"AUTHORIZATIONS

49 USC app. 2304.
49 USC app. 2302.

"SEC. 404. (a)(1) To carry out the purposes of section 402 of this title, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $10,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $30,000,000 for fiscal year 1986.

"(2) Subject to section 9503(c)(1) of the Internal Revenue Code of 1986, there shall be available to the Secretary to incur obligations to carry out section 402 of this title, out of the Highway Trust Fund (other than the Mass Transit Account), $50,000,000 per fiscal year for each of fiscal years 1987 and 1988 and $60,000,000 per fiscal year for each of fiscal years 1989, 1990, and 1991.

State and local governments.

"(b) Funds authorized to be appropriated, and funds made available, by this section shall be used to reimburse States pro rata for the Federal share of the costs incurred.

"(c) Grants made pursuant to the authority of this part shall be for periods not to exceed one year.

Grants.

"(d) Notwithstanding any other provision of law, beginning after September 30, 1986, approval by the Secretary of a grant to a State under section 402 shall be deemed a contractual obligation of the United States for payment of the Federal share of the costs incurred by such State in development or implementation or both of programs to enforce commercial motor vehicle rules, regulations, standards, and orders.

"(e) Funds authorized to be appropriated, and funds made available, to carry out this section shall remain available for obligation by the Secretary for the fiscal year for which such funds are authorized or made available, as the case may be, and the three succeeding fiscal years.

"(f) On October 1 of each fiscal year beginning after September 30, 1986, the Secretary may deduct, from funds made available for such fiscal year by subsection (a)(2), an amount not to exceed one-half of one percent of the amount of such funds for administering section 402 of this title in such fiscal year.".

49 USC app. 2712.

SEC. 12015. TRUCK BRAKE REGULATIONS.

Not late than the 90th day after the date of the enactment of this title, the Secretary shall revise the regulations of the Administrator of the Federal Highway Administration contained in section 393.42(c) of title 49 of the Code of Federal Regulations to require trucks and truck tractors manufactured after July 24, 1980, to have brakes operating on all wheels. The Secretary may provide for a delayed effective date (not exceeding 1 year) for trucks and truck tractors manufactured after July 24, 1980, and before such date of enactment.

100 STAT. 3207-187

49 USC app. 2713.
State and local governments.

SEC. 12016. RADAR DEMONSTRATION PROJECT.

(a) PROJECT DESCRIPTION.—Notwithstanding any other provision of law, the Secretary, in cooperation with State and local law enforcement officials, shall conduct a demonstration project to assess the benefits of continuous use of unmanned radar equipment on highway safety on a section of highway with a high rate of motor vehicle accidents. Such project shall be conducted in northern Kentucky on a hilly section of Interstate Route I-75 between Fort

Mitchell and the Brent Spence Bridge over the Ohio River during the 24-month period beginning on the date of the enactment of this title.

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than 18 months after the date of the enactment of this title, the Secretary shall transmit to Congress an interim report on the results of the demonstration project conducted under subsection (a), together with any recommendations on whether or not to extend the duration of such demonstration project and whether or not to expand the scope of such project.

(2) FINAL REPORT.—Not later than 60 days after completion of the demonstration project conducted under subsection (a), the Secretary shall transmit to Congress a final report on the results of such project, together with any such recommendations.

SEC. 12017. LIMITATION ON STATUTORY CONSTRUCTION.

49 USC app. 2714.

Nothing in this title shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to regulate commercial motor vehicle safety involving motor vehicles with a gross vehicle weight rating of less than 26,001 pounds or such lesser gross vehicle weight rating as determined appropriate by the Secretary under section 12019(6)(A) of this Act.

SEC. 12018. REGULATIONS.

49 USC app. 2715.

(a) AUTHORITY TO ISSUE.—The Secretary may issue such regulations as may be necessary to carry out this title.

(b) COMPLIANCE WITH TITLE 5.—All regulations under this title shall be issued in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title).

SEC. 12019. DEFINITIONS.

49 USC app. 2716.

For purposes of this title—

(1) ALCOHOL.—The term "alcohol" has the meaning the term alcoholic beverage has under section 158(c) of title 23, United States Code.

(2) DRIVER'S LICENSE.—The term "driver's license" means a license issued by a State to an individual which authorizes the individual to operate a motor vehicle on highways.

(3) COMMERCE.—The term "commerce" means—

100 STAT. 3207-188

(A) trade, traffic, and transportation within the jurisdiction of the United States between a place in a State and a place outside of such State (including a place outside the United States); and

(B) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subparagraph (A).

(4) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" means a license issued by a State to an individual which authorizes the individual to operate a class of commercial motor vehicle.

(5) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used and on highways, except that such term does not include a vehicle, machine, tractor, trailer, semitrailer operated exclusively on a rail.

(6) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property—

(A) if the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such a lesser gross vehicle weight rating as the Secretary determines appropriate by regulation but not less than a gross vehicle weight rating of 10,001 pounds;

(B) if the vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act.

49 USC app. 1801 note.

A motor vehicle which is used in the transportation of hazardous materials and which has a gross vehicle weight rating of less than 26,001 pounds (or such gross vehicle weight rating as determined appropriate by the Secretary under subparagraph (A)) shall not be included as a commercial motor vehicle pursuant to subparagraph (C) if such hazardous material is listed as hazardous pursuant to section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Department of Transportation or if such hazardous material is a consumer commodity or limited quantity hazardous material as defined under section 171.8 of title 49 of the Code of Federal Regulations. The Secretary may waive the application of the preceding sentence to any motor vehicle or class of motor vehicles if the Secretary determines that such waiver is in the interest of safety.

(7) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning such term has under section 102 of the Controlled Substances Act (21 U.S.C. 802).

(8) EMPLOYEE.—The term "employee" means an operator of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle) who is employed by an employer.

(9) EMPLOYER.—The term "employer" means any person (including the United States, a State, or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle.

100 STAT. 3207-189

(10) FELONY.—The term "felony" means an offense under State or Federal law that is punishable by death or imprisonment for a term exceeding 1 year.

(11) HAZARDOUS MATERIAL.—The term "hazardous material" has the meaning such term has under section 103 of the Hazardous Materials Transportation Act.

49 USC app. 1802.

(12) SERIOUS TRAFFIC VIOLATION.—The term "serious traffic violation" means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal traffic accident; and

(D) any other similar violation of a State or local law relating to motor vehicle traffic control (other than a parking violation) which the Secretary determines by regulation is serious.

(13) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(14) STATE.—The term "State" means a State of the United States and the District of Columbia.

(15) UNITED STATES.—The term "United States" means the 50 States and the District of Columbia.

TITLE XIII—CYANIDE WRONGFUL USE

SEC. 13001. STUDY AND REPORT.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study of the manufacturing and distribution process of cyanide with a view to determining methods, procedures, or other actions which might be taken, employed, or otherwise carried out in connection with such manufacturing and distribution in order to safeguard the public from the wrongful use of cyanide.

(b) Matters To Be Included.—Such study shall include, among other matters, the following:

(1) a determination of the sources of cyanide, including the name and location of each manufacturer thereof;

(2) an evaluation of the means and methods utilized by the manufacturer and others in the distribution of cyanide, including the name and location of each such distributor;

(3) an evaluation of the procedures employed in connection with the selling, at the wholesale and retail level, of cyanide, including a determination as to whether or not persons selling cyanide require the intended purchaser to identify himself or herself;

(4) a determination as to the extent to which recordkeeping requirements are imposed on, or carried out by, manufacturers of cyanide with respect to the specifications of each lot of cyanide produced by such manufacturer;

(5) a determination as to the feasibility and desirability of establishing a central registry of all lot specifications of cyanide for the purpose of providing quick access to investigative and law enforcement agencies;

(6) a consideration and review of all aspects of the matter of interstate versus intrastate to the extent that it involves the manufacturing, distribution, or use of cyanide;

(7) a determination as to the feasibility and desirability of requiring manufacturers of cyanide to color all such cyanide with a distinctive color so that the consuming public can more readily identify products laced with cyanide;

(8) a determination as to the feasibility and desirability of requiring limited-access storage for cyanide at universities, laboratories, and other institutions that use cyanide for research or other purposes; and

(9) a determination as to the feasibility and desirability of issuing regulations to require any person who sells or otherwise transfers, at a retail level, any cyanide to record such sale or transfer, including the identity of the person purchasing or otherwise receiving such cyanide, the address of such person, and the intended use of such cyanide. Such records shall be available for such use, and retained for such period, as the aforementioned Administrator shall by regulation require.

(c) Report.—On or before the expiration of the 180-day period following the date of the enactment of this section, the Administrator of the Environmental Protection Agency shall report the results of such study to the Congress, together with his or her recommendations with respect thereto.

(d) Definitions.—As used in this section, the term—

(1) "person" means any individual, corporation, partnership, or other entity; and

(2) "cyanide" means sodium cyanide, potassium cyanide or any other toxic cyanide compound.

(e) Authorization.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE XIV—SENATE POLICY REGARDING FUNDING

SEC. 14001. STATEMENT OF POLICY.

(a) The Senate finds that—

(1) there is an urgent critical need for funds to carry out the programs and activities authorized by the preceding provisions of this Act in order to ensure a drug free America;

(2) this Act is the result of a bipartisan effort to combat our national drug abuse problem; and

(3) only the exceptional nature of the drug abuse problem warrants the expenditure of funds in excess of otherwise applicable budget limitations.

(b) Therefore, it is the sense of the Senate that—

(1) amounts authorized to carry out the preceding provisions of this Act should be provided as new budget authority for fiscal year 1987 in H.J. Res. 738 (99th Congress, 2d Session); and

Ante., p. 1783; *post*, p. 3341.

(2) such amounts should not be provided through transfers from, or reductions in, any amount appropriated by such joint resolution for any other program, project, or activity for such fiscal year.

TITLE XV—NATIONAL FOREST SYSTEM DRUG CONTROL

National Forest System Drug Control Act of 1986. 16 USC 559b note.

SEC. 15001. SHORT TITLE.

This title may be cited as the "National Forest System Drug Control Act of 1986".

16 USC 559b.

SEC. 15002. PURPOSE.

(a) The purpose of this title is to authorize the Secretary of Agriculture (hereinafter in this title referred to as the "Secretary") to take actions necessary, in connection with the administration and use of the National Forest System, to prevent the manufacture, distribution, or dispensing of marijuana and other controlled substances.

(b) Nothing in this title shall diminish in any way the law enforcement authority of the Forest Service.

(c) As used in this title, the terms "manufacture", "dispense", and "distribute" shall have the same meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

16 USC 559c.

SEC. 15003. POWERS.

For the purposes of this title, if specifically designated by the Secretary and specially trained, not to exceed 500 officers and employees of the Forest Service when in the performance of their duties shall have authority within the boundaries of the National Forest System to—

(1) carry firearms;

Post, p. 3207-192.

(2) conduct investigations of violations of and enforce section 401 of Controlled Substances Act (21 U.S.C. 841) and other criminal violations relating to marijuana and other controlled substances that are manufactured, distributed, or dispensed on National Forest System lands;

(3) make arrests with a warrant or process for misdemeanor violations, or without a warrant or process for violations of such misdemeanors that any such officer or employee has probable cause to believe are being committed in his presence or view, or for a felony with a warrant or without a warrant if he has probable cause to believe that the person to be arrested has committed or is committing such felony;

(4) serve warrants and other process issued by a court or officer of competent jurisdiction;

(5) search with or without warrant or process any person, place, or conveyance according to Federal law or rule of law; and

(6) seize with or without warrant or process any evidentiary item according to Federal law or rule of law.

16 USC 559d.

SEC. 15004. COOPERATION.

For the purposes of this title, in exercising the authority provided by section 15003—

(1) the Forest Service shall cooperate with any other Federal law enforcement agency having primary investigative jurisdiction over the offense committed; and

State and local governments.

Post, p. 3207-192.

(2) the Secretary may authorize the Forest Service to cooperate with the law enforcement officials of any Federal agency, State, or political subdivision in the investigation of violations of and enforcement of section 401 of the Controlled Substances Act (21 U.S.C. 841), other laws and regulations relating to marijuana and other controlled substances, and State drug control laws or ordinances, within the boundaries of the National Forest System.

SEC. 15005. PENALTY.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end thereof the following subsection:

"(e)(1) Any person who assembles, maintains, places, or causes to be placed a boobytrap on Federal property where a controlled substance is being manufactured, distributed, or dispensed shall be sentenced to a term of imprisonment for not more than 10 years and shall be fined not more than $10,000.

"(2) If any person commits such a violation after 1 or more prior convictions for an offense punishable under this subsection, such person shall be sentenced to a term of imprisonment of not more than 20 years and shall be fined not more than $20,000.

"(3) For the purposes of this subsection, the term 'boobytrap' means any concealed or camouflaged device designed to cause bodily injury when triggered by any action of any unsuspecting person making contact with the device. Such term includes guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, and lines or wires with hooks attached.".

SEC. 15006. AUTHORIZATION OF APPROPRIATIONS.

16 USC 559e.

There is authorized to be appropriated $10,000,000 for each fiscal year to carry out this title.

SEC. 15007. APPROVAL OF SECRETARY OF AGRICULTURE AND ATTORNEY GENERAL.

16 USC 559f.

The authorities conferred herein shall be exercised pursuant to an agreement approved by the Secretary of Agriculture and the Attorney General.

Approved October 27, 1986.

LEGISLATIVE HISTORY—H.R. 5484 (S. 1903):

SENATE REPORTS: No. 99-411 accompanying S. 1903 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 132 (1986):
- Sept. 10, 11, considered and passed House.
- Sept. 26, 27, 30, considered and passed Senate, amended.
- Oct. 8, House concurred in Senate amendments with an amendment.
- Oct. 10, 14, 15, Senate concurred in House amendments with amendments.
- Oct. 17, House concurred in Senate amendments with an amendment; Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
- Oct. 27, Presidential statement and remarks.

100 STAT. 3449

Public Law 99-605
99th Congress

An Act

Nov. 6, 1986
[H.R. 1452]

To amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Refugee Assistance Extension Act of 1986.
8 USC 1101 note.

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Refugee Assistance Extension Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

8 USC 1101 note.

SEC. 2. TWO-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

(a) TWO-YEAR EXTENSION.—Section 414(a) (8 U.S.C. 1524(a)) is amended by striking out "fiscal year 1983" and inserting in lieu thereof "each of fiscal years 1987 and 1988" in paragraph (1).

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Such section is further amended—

(1) by striking out "(2) and (3)" in paragraph (1) and inserting in lieu thereof "(2) through (5)";

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) There are hereby authorized to be appropriated for fiscal year 1987 $74,783,000 and for fiscal year 1988 $77,924,000 for the purpose of providing services with respect to refugees under section 412(c)(1).

8 USC 1522.

"(3) There are hereby authorized to be appropriated for fiscal year 1987 $8,761,000 and for fiscal year 1988 $9,125,000 for the purpose of carrying out section 412(b)(5)."; and

(3) by adding at the end the following new paragraph:

"(4) There are authorized to be appropriated for fiscal year 1987 $5,215,000 and for fiscal year 1988 $5,434,000 for the purpose of carrying out the provisions of section 412(f).".

SEC. 3. PLACEMENT OF OFFICE OF REFUGEE RESETTLEMENT WITHIN THE OFFICE OF SECRETARY OF HEALTH AND HUMAN SERVICES AND CLARIFYING ROLE OF SECRETARY OF EDUCATION.

(a) PROVISION OF ASSISTANCE FOR REFUGEE CHILDREN BY SECRETARY OF EDUCATION.—Section 412(d)(1) (8 U.S.C. 1522(d)(1)) is amended by striking out "Director" and inserting in lieu thereof "Secretary of Education".

(b) AUTHORIZING SECRETARY OF EDUCATION AND ATTORNEY GENERAL TO ISSUE REGULATIONS.—Section 412(a)(9) (8 U.S.C. 1522(a)(9)) is amended by inserting ", the Secretary of Education, the Attorney General," after "The Secretary".

100 STAT. 3450

SEC. 4. POLICIES FOR PLACEMENT OF REFUGEES AND REGULAR CONSULTATION WITH STATE AND LOCAL GOVERNMENTS IN PLACEMENT PROCESS.

Section 412(a)(2) (8 U.S.C. 1522(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting "and the Federal agency administering subsection (b)(1)" after "Director",

(B) by inserting "(not less often than quarterly)" after "regularly", and

(C) by inserting "before their placement in those States and localities" after "localities";

(2) in subparagraph (C)—

(A) by striking out "and" at the end of clause (i),

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", and", and

(C) by adding at the end the following new clause:

"(iii) take into account—

"(I) the proportion of refugees and comparable entrants in the population in the area,

"(II) the availability of employment opportunities, affordable housing, and public and private resources (including educational, health care, and mental health services) for refugees in the area,

"(III) the likelihood of refugees placed in the area becoming self-sufficient and free from long-term dependence on public assistance, and

"(IV) the secondary migration of refugees to and from the area that is likely to occur."; and

(3) by adding at the end the following new subparagraph:

"(D) With respect to the location of placement of refugees within a State, the Federal agency administering subsection (b)(1) shall, consistent with such policies and strategies and to the maximum extent possible, take into account recommendations of the State.".

SEC. 5. RECEPTION AND PLACEMENT GRANTS.

(a) DIRECT GAO AUDIT OF GRANTS.—Paragraph (6) of section 412(b) (8 U.S.C. 1522(b)) is amended to read as follows:

"(6) The Comptroller General shall directly conduct an annual financial audit of funds expended under each grant or contract made under paragraph (1) for fiscal year 1986 and for fiscal year 1987.".

(b) REQUIREMENTS UNDER GRANTS.—Such section is further amended—

(1) by adding at the end the following new paragraph:

Contracts.

"(7) Each grant or contract with an agency under paragraph (1) shall require the agency to do the following:

Reports.

"(A) To provide quarterly performance and financial status reports to the Federal agency administering paragraph (1).

"(B)(i) To provide, directly or through its local affiliate, notice to the appropriate county or other local welfare office at the time that the agency becomes aware that a refugee is offered employment and to provide notice to the refugee that such notice has been provided, and

"(ii) upon request of such a welfare office to which a refugee has applied for cash assistance, to furnish that office with documentation respecting any cash or other resources provided directly by the agency to the refugee under this subsection.

100 STAT. 3451

Health and medical care.

"(C) To assure that refugees, known to the agency as having been identified pursuant to paragraph (4)(B) as having medical conditions affecting the public health and requiring treatment, report to the appropriate county or other health agency upon their resettlement in an area.

"(D) To fulfill its responsibility to provide for the basic needs (including food, clothing, shelter, and transportation for job interviews and training) of each refugee resettled and to develop and implement a resettlement plan including the early employment of each refugee resettled and to monitor the implementation of such plan.

Reports.

"(E) To transmit to the Federal agency administering paragraph (1) an annual report describing the following:

"(i) The number of refugees placed (by county of placement) and the expenditures made in the year under the grant or contract, including the proportion of such expenditures used for administrative purposes and for provision of services.

"(ii) The proportion of refugees placed by the agency in the previous year who are receiving cash or medical assistance described in subsection (e).

"(iii) The efforts made by the agency to monitor placement of the refugees and the activities of local affiliates of the agency.

"(iv) The extent to which the agency has coordinated its activities with local social service providers in a manner which avoids duplication of activities and has provided notices to local welfare offices and the reporting of medical conditions of certain aliens to local health departments in accordance with subparagraphs (B)(i) and (C).

"(v) Such other information as the agency administering paragraph (1) deems to be appropriate in monitoring the effectiveness of agencies in carrying out their functions under such grants and contracts.

The agency administering paragraph (1) shall promptly forward a copy of each annual report transmitted under subparagraph (E) to the Committees on the Judiciary of the House of Representatives and of the Senate.", and

(2) by striking out the fifth and sixth sentences of paragraph (1)(A).

Contracts.
8 USC 1522.

(c) PERFORMANCE CRITERIA FOR GRANTS.—Such section is further amended by adding after paragraph (7) (added by subsection (b)) the following new paragraph:

"(8) The Federal agency administering paragraph (1) shall establish criteria for the performance of agencies under grants and contracts under that paragraph, and shall include criteria relating to an agency's—

"(A) efforts to reduce welfare dependency among refugees resettled by that agency,

"(B) collection of travel loans made to refugees resettled by that agency for travel to the United States,

"(C) arranging for effective local sponsorship and other nonpublic assistance for refugees resettled by that agency,

"(D) cooperation with refugee mutual assistance associations, local social service providers, health agencies, and welfare offices,

100 STAT. 3452

"(E) compliance with the guidelines established by the Director for the placement and resettlement of refugees within the United States, and

"(F) compliance with other requirements contained in the grant or contract, including the reporting and other requirements under subsection (b)(7).

The Federal administering agency shall use the criteria in the process of awarding or renewing grants and contracts under paragraph (1).".

Grants.
Contracts.
8 USC 1522 note.

(d) EFFECTIVE DATES OF AMENDMENTS.—(1) Section 412(b)(7) (other than subparagraphs (B)(i), (C), and (D)) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the 30-day period beginning on the date of the enactment of this Act.

(2) Section 412(b)(7)(D) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the six-month period beginning on the date of the enactment of this Act.

(3) The criteria required under the amendment made by subsection (c) shall be established not later than 60 days after the date of the enactment of this Act.

Contracts.

(e) REPORT ON RECEPTION AND PLACEMENT GRANTS.—(1) Within amounts provided in appropriation acts, the United States Coordinator for Refugee Affairs shall provide for a study on the advisability and feasibility of—

(A) using competitive proposals, cost reimbursement contracts, financial incentives based on performance standards, and other means for providing greater efficiency in awarding grants and contracts for initial reception and placement under section 412(b) of the Immigration and Nationality Act,

(B) modifying the eligibility requirements for agency participation under that section,

(C) permitting refugee mutual assistance associations to participate under that section and to apply for such grants and contracts, and

(D) using financial incentives linked to performance standards in awarding social service grants and contracts for services under section 412(c) of the Immigration and Nationality Act.

Reports.

(2) The Coordinator shall submit the results of the study to Congress not later than six months after the date of the enactment of this Act.

(f) Additional Authorization of Appropriations for Reception and Placement Services.—(1) In order to insure that sufficient funds are authorized to be appropriated to provide for reception and placement services in fulfillment of the responsibilities required under section 412(b)(7)(D) of the Immigration and Nationality Act (as added by subsection (b)(1) of this section), there are authorized to be appropriated (in addition to the amounts described in paragraph (2)) for fiscal years 1987 and 1988 any such additional sums as may be necessary to fulfill the responsibilities under that section.

(2) The amounts described in this paragraph are—

(A) the amounts authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" for fiscal years 1986 and 1987, which may be used for enhanced reception and placement services under section 412(b) of the Immigration and Nationality Act; and

100 STAT. 3453

(B) any other amounts authorized to be appropriated for such services.

SEC. 6. ALLOCATION AND USE OF SOCIAL SERVICE FUNDS.

(a) Based on Refugee Population.—Section 412(c) (8 U.S.C. 1522(c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively,

(2) by inserting "(1)(A)" before "The Director", and

(3) by adding at the end the following new subparagraph:

Grants.
Contracts.

"(B) The funds available for a fiscal year for grants and contracts under subparagraph (A) shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year.".

(b) Clarification of Use of Social Service Funds.—Such section is further amended by adding at the end the following new subparagraph:

"(C) Any limitation which the Director establishes on the proportion of funds allocated to a State under this paragraph that the State may use for services other than those described in subsection (a)(1)(B)(ii) shall not apply if the Director receives a plan (established by or in consultation with local governments) and determines that the plan provides for the maximum appropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent with performance standards established under section 106 of the Job Training Partnership Act.".

29 USC 1516.
8 USC 1522 note.

(c) Effective Date.—The amendment made by subsection (a) shall apply to allocations of funds for fiscal years beginning with fiscal year 1987.

(d) Conforming Amendment.—Section 412(e)(2)(A)(i) (8 U.S.C. 1522(e)(2)(A)(i)) is amended by striking out "(c)(1)" and inserting in lieu thereof "(c)(1)(A)(i)".

SEC. 7. MAINTAINING FUNDING LEVEL OF MATCHING GRANT PROGRAM.

8 USC 1522 note.

(a) Maintaining Funding Level.—Subject to the availability of appropriations, the Director of the Office of Refugee Resettlement shall not reduce the maximum average Federal contribution level per refugee in the matching grant program and shall not increase the percentage grantee matching requirement under that program below the level, or above the percentage, in effect under the program for grants in fiscal year 1985.

(b) Matching Grant Program.—The "matching grant program" referred to in subsection (a) is the voluntary agency program which is known as the matching grant program and is funded under section 412(c) of the Immigration and Nationality Act.

SEC. 8. TARGETED ASSISTANCE PROJECT GRANTS.

(a) Specific Authorization for Targeted Assistance Project Grants.—Section 412(c) (8 U.S.C. 1522(c)), as amended by section 6, is further amended by adding at the end the following new paragraph:

"(2)(A) The Director is authorized to make grants to States for assistance to counties and similar areas in the States where, because 100 STAT. 3454 of factors such as unusually large refugee populations (including secondary migration), high refugee concentrations, and high use of public assistance by refugees, there exists and can be demonstrated a specific need for supplementation of available resources for services to refugees.

"(B) Grants shall be made available under this paragraph—

"(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency,

"(ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity.".

(b) Conforming Amendment.—Section 412(e)(2)(A)(ii) (8 U.S.C. 1522(e)(2)(A)(ii)) is amended by inserting "or targeted assistance" after "social service".

SEC. 9. CASH AND MEDICAL ASSISTANCE.

(a) Clarification of Disqualification From Cash Assistance for Refugees Refusing Offers of Employment or Training.—Paragraph (2) of section 412(e) (8 U.S.C. 1522(e)) is amended—

(1) by striking out the last sentence of subparagraph (A), and

(2) by adding at the end the following new subparagraph:

"(C) In the case of a refugee who—

"(i) refuses an offer of employment which has been determined to be appropriate either by the agency responsible for the initial resettlement of the refugee under subsection (b) or by the appropriate State or local employment service,

"(ii) refuses to go to a job interview which has been arranged through such agency or service, or

"(iii) refuses to participate in a social service or targeted assistance program referred to in subparagraph (A)(ii) which such agency or service determines to be available and appropriate,

cash assistance to the refugee shall be terminated (after opportunity for an administrative hearing) for a period of three months (for the first such refusal) or for a period of six months (for any subsequent refusal).".

(b) Consideration of Recommendations and Assistance of Voluntary Agencies.—Such section is further amended by adding at the end the following new paragraph:

"(8) In its provision of assistance to refugees, a State or political subdivision shall consider the recommendations of, and assistance provided by, agencies with grants or contracts under subsection (b)(1).".

8 USC 1522 note.

(c) Effective Date.—The amendments made by subsection (a) of this section shall apply to aliens entering the United States as refugees on or after the first day of the first calendar quarter that begins more than 90 days after the date of the enactment of this Act.

SEC. 10. PERMITTING COVERAGE OF CERTAIN DEPENDENT REFUGEES UNDER ALTERNATIVE PROJECTS.

Section 412(e)(7)(A) (8 U.S.C. 1522(e)(7)(A)) is amended by adding at the end the following new sentence: "The Secretary may permit alternative projects to cover specific groups of refugees who have been in the United States 36 months or longer if the Secretary determines that refugees in the group have been significantly and disproportionately dependent on welfare and need the services provided under the project in order to become self-sufficient and that their coverage under the projects would be cost-effective.".

100 STAT. 3455

SEC. 11. REFUGEES COVERED BY ANNUAL REPORT.

Section 413(a)(2)(A) (8 U.S.C. 1523(a)(2)(A)) is amended by striking out "under this Act since May 1975" and inserting in lieu thereof "the United States within the five-fiscal-year period immediately preceding the fiscal year within which the report is to be made and for refugees who entered earlier and who have shown themselves to be significantly and disproportionately dependent on welfare".

SEC. 12. PROHIBITING USE OF BLOCK OR CONSOLIDATED GRANTS.

Section 412(a)(4) (8 U.S.C. 1522(a)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(2) by inserting "(A)" after "(4)", and

(3) by adding at the end the following new subparagraphs:

State and local governments. Contracts.

"(B) No funds may be made available under this chapter (other than under subsection (b)(1)) to States or political subdivisions in the form of block grants, per capita grants, or similar consolidated grants or contracts. Such funds shall be made available under separate grants or contracts—

"(i) for medical screening and initial medical treatment under subsection (b)(5),

"(ii) for services for refugees under subsection (c)(1),

"(iii) for targeted assistance project grants under subsection (c)(2), and

"(iv) for assistance for refugee children under subsection (d)(2).

"(C) The Director may not delegate to a State or political subdivision his authority to review or approve grants or contracts under this chapter or the terms under which such grants or contracts are made.".

Prisoners.

SEC. 13. ASSISTANCE TO STATES AND COUNTIES FOR INCARCERATION OF CERTAIN CUBAN NATIONALS.

Section 412 (8 U.S.C. 1522) is further amended by adding at the end the following new subsection:

"(f) Assistance to States and Counties for Incarceration of Certain Cuban Nationals.—(1) The Attorney General shall pay compensation to States and to counties for costs incurred by the States and counties to confine in prisons, during the fiscal year for which such payment is made, nationals of Cuba who—

"(A) were paroled into the United States in 1980 by the Attorney General,

"(B) after such parole committed any violation of State or county law for which a term of imprisonment was imposed, and

"(C) at the time of such parole and such violation were not aliens lawfully admitted to the United States—

"(i) for permanent residence, or

"(ii) under the terms of an immigrant or a nonimmigrant visa issued,

under this Act.

"(2) For a State or county to be eligible to receive compensation under this subsection, the chief executive officer of the State 100 STAT. 3456 or county shall submit to the Attorney General, in accordance with rules to be issued by the Attorney General, an application containing—

"(A) the number and names of the Cuban nationals with respect to whom the State or county is entitled to such compensation, and

"(B) such other information as the Attorney General may require.

"(3) For a fiscal year the Attorney General shall pay the costs described in paragraph (1) to each State and county determined by the Attorney General to be eligible under paragraph (2); except that if the amounts appropriated for the fiscal year to carry out this subsection are insufficient to cover all such payments, each of such payments shall be ratably reduced so that the total of such payments equals the amounts so appropriated.

"(4) The authority of the Attorney General to pay compensation under this subsection shall be effective for any fiscal year only to the extent and in such amounts as may be provided in advance in appropriation Acts.

President of U.S.

"(g) It shall be the policy of the United States Government that the President, in consultation with the Attorney General and all appropriate Federal, State, and county officials referred to in section 13 of this Act, shall place top priority on seeking the expeditious removal from this country and the return to Cuba of such persons defined in subsection (f)(1) by any reasonable and responsible means, and to this end the Attorney General may use the funds hereafter authorized by this section to conduct such policy.".

Approved November 6, 1986.

LEGISLATIVE HISTORY—H.R. 1452 (S. 1262):

HOUSE REPORTS: No. 99-132, Pt. 1 (Comm. on the Judiciary).
SENATE REPORTS: No. 99-154 accompanying S. 1262 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 131 (1985): June 13, considered and passed House.
Vol. 132 (1986): Oct. 18, considered and passed Senate, amended; House concurred in Senate amendment.

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100 STAT. 3470

Public Law 99-607
99th Congress

An Act

Nov. 6, 1986
[H.R. 2434]

To authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) Purposes and Amounts.—There are authorized to be appropriated to the Patent and Trademark Office—

(1) for salaries and necessary expenses, $101,631,000 for fiscal year 1986, $110,400,000 for fiscal year 1987, and $111,900,000 for fiscal year 1988; and

(2) such additional amounts as may be necessary for each such fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(b) Reduction of Patent Fees.—(1) Amounts appropriated under subsection (a) shall be used to reduce by 50 per centum each fee paid on or after October 1, 1985, under section 41(a) or 41(b) of title 35, United States Code, by—

(A) an independent inventor or nonprofit organization as defined in regulations prescribed by the Commissioner of Patents and Trademarks, or

Small business.

(B) a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632).

(2) Section 41 of title 35, United States Code, is amended by adding at the end the following new subsection:

Small business.

"(h)(1) Fees charged under subsection (a) or (b) shall be reduced by 50 percent with respect to their application to any small business concern as defined under section 3 of the Small Business Act, and to any independent inventor or nonprofit organization as defined in regulations issued by the Commissioner of Patents and Trademarks.

"(2) With respect to its application to any entity described in paragraph (1), any surcharge or fee charged under subsection (c) or (d) shall not be higher than the surcharge or fee required of any other entity under the same or substantially similar circumstances.".

35 USC 42 note.

SEC. 2. APPROPRIATIONS AUTHORIZED TO BE CARRIED OVER.

Amounts appropriated under this Act and such fees as may be collected under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 and following) may remain available until expended.

15 USC 1113 note.

SEC. 3. OVERSIGHT OF AND LIMITATIONS ON TRADEMARK AND CERTAIN PATENT FEES.

(a) Trademark Fees.—The Commissioner of Patents and Trademarks may not, during fiscal years 1986, 1987, and 1988, increase fees established under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) except for purposes of making adjustments which in the aggregate do not exceed fluctuations during the previous three years in the Consumer Price Index, as determined by the Secretary of Labor. The Commissioner also may not establish additional fees under such section during such fiscal years.

100 STAT. 3471

35 USC 41 note.

(b) Patent Fees.—The Commissioner of Patents and Trademarks may not, during fiscal years 1986, 1987, and 1988, increase fees established under section 41(d) of title 35, United States Code, except for purposes of making adjustments which in the aggregate do not exceed fluctuations during the previous 3 years in the Consumer Price Index, as determined by the Secretary of Labor. The Commissioner also may not establish additional fees under such section during such fiscal years.

35 USC 14 note.

(c) Report to Congress.—The Secretary of Commerce shall, on the day on which the President submits the annual budget to the Congress, provide to the Committees on the Judiciary of the Senate and the House of Representatives—

(1) a list of patent and trademark fee collections by the Patent and Trademark Office during the preceding fiscal year;

(2) a list of activities of the Patent and Trademark Office during the preceding fiscal year which were supported by patent fee expenditures, trademark fee expenditures, and appropriations;

(3) budget plans for significant programs, projects, and activities of the Office, including out-year funding estimates;

(4) any proposed disposition of surplus fees by the Office; and

(5) such other information as the committees consider necessary.

35 USC 41 note.

SEC. 4. FEES FOR USE OF SEARCH ROOMS AND LIBRARIES PROHIBITED.

The Commissioner of Patents and Trademarks may not impose a fee for use of public patent or trademark search rooms and libraries. The costs of such rooms and libraries shall come from amounts appropriated by Congress.

SEC. 5. CONGRESSIONAL OVERSIGHT AND LIMITATIONS ON THE USE OF FEE REVENUES FOR PROPOSED PURCHASE OF AUTOMATED DATA PROCESSING SYSTEMS.

(a) FUNDING OF AUTOMATED DATA PROCESSING RESOURCES.—

(1) ALLOCATIONS.—Of amounts available to the Patent and Trademark Office for automatic data processing resources for fiscal years 1987 and 1988, not more than 30 percent of such amounts in each such fiscal year may be from fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) and section 41 of title 35, United States Code. The Commissioner of Patents and Trademarks shall notify the Committees on the Judiciary of the Senate and the House of Representatives of any proposed reprogrammings which would increase or decrease the amount of appropriations expended for automatic data processing resources.

(2) USE OF REVENUES BY PATENT AND TRADEMARK OFFICE.—Except as otherwise specifically provided in this Act and section 42(c) of title 35, United States Code, the Patent and Trademark Office is authorized to use appropriated or apportioned fee revenues for any of its operations or activities.

(b) REPORT BY COMMISSIONER ON IMPLEMENTATION AUTOMATION PLAN.—At least 90 calendar days before the date of implementation of each key deployment decision provided for in the revised master automation plan that was approved by the Secretary of Commerce and the Director of the Office of Management and Budget and that was submitted, in February 1986, to the Committees on the Judiciary of the Senate and the House of Representatives, the Commissioner of Patents and Trademarks shall report the proposed implementation to those committees. Each key deployment decision shall be approved by the designated Senior Official for Information Resources Management of the Department of Commerce before the report on the decision is made under the preceding sentence. Each such report on a key deployment decision shall include the cost and method of financing the deployment decision, including, where appropriate, a comparison with the cost benefit analysis contained in the revised automation master plan, as well as such other information as the committees consider necessary.

100 STAT. 3472

Contracts.
Reports.

(c) PROHIBITION ON NEW OBLIGATIONS.—The Patent and Trademark Office may not enter into any new contract, or obligate any funds, to implement a key deployment decision described in subsection (b) until the expiration of 90 calendar days after the report with respect to such deployment decision is submitted under such subsection.

(d) EFFECTIVE DATE.—Subsections (b) and (c) take effect on January 1, 1987.

Contracts.
International organizations.
35 USC 6 note.

SEC. 6. USE OF EXCHANGE AGREEMENTS RELATING TO AUTOMATIC DATA PROCESSING RESOURCES PROHIBITED.

The Commissioner of Patents and Trademarks may not enter into new agreements for the exchange of items or services (as authorized under section 6(a) of title 35, United States Code) relating to automatic data processing resources (including hardware, software and

related services, and machine readable data) during fiscal years 1986, 1987, and 1988, nor continue existing agreements for the exchange of such items or services after April 1, 1987. This section shall not apply to any agreement relating to data for automation programs entered into with a foreign government or with an international intergovernmental organization.

Approved November 6, 1986.

LEGISLATIVE HISTORY—H.R. 2434:

HOUSE REPORTS: No. 99-104 (Comm. on the Judiciary).
SENATE REPORTS: No. 99-305 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
  Vol. 131 (1985): June 24, considered and passed House.
  Vol. 132 (1986): June 6, considered and passed Senate, amended.
    Oct. 2, House concurred in certain Senate amendments, in others with amendments.
    Oct. 18, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
  Nov. 6, Presidential statement.

HOUSING ACTS

Public Law 99-267
99th Congress

Joint Resolution

To provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

Mar. 27, 1986
[H.J. Res. 563]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS.

(a) Title I Insurance.—Section 2(a) of the National Housing Act is amended by striking out "March 17, 1986" in the first sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1730.
12 USC 1703.

(b) General Insurance.—Section 217 of the National Housing Act is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1730.
12 USC 1715h.

(c) Low and Moderate Income Housing Insurance.—Section 221(f) of the National Housing Act is amended by striking out "March 17, 1986" in the fifth sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1730.
12 USC 1715*l*.

(d) Section 235 Homeownership.—

(1) Assistance payments authority.—Section 235(h)(1) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1730.
12 USC 1715z.

(2) Insurance authority.—Section 235(m) of the National Housing Act is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

(3) Housing stimulus authority.—Section 235(q)(1) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

(e) Co-Insurance.—

(1) General authority.—Section 244(d) of the National Housing Act is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1730.
12 USC 1715z-9.

(2) Rental rehabilitation and development projects.—Section 244(h) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

(f) Graduated Payment and Indexed Mortgage Insurance.—Section 245(a) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1730.
12 USC 1715z-10.

(g) Reinsurance Contracts.—Section 249(a) of the National Housing Act is amended by striking out "March 17, 1986" in the second sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1730.
12 USC 1715z-14.

(h) Limitation on Insurance Commitments.—Section 531 of the National Housing Act is amended to read as follows:

12 USC 1735f-9.

100 STAT. 74

"LIMITATION ON COMMITMENTS TO INSURE LOANS AND MORTGAGES

Effective date.

"SEC. 531. The authority of the Secretary to enter into commitments to insure loans and mortgages under this Act shall be effective for fiscal year 1986 only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year.".

(i) ARMED SERVICES HOUSING INSURANCE.—

99 Stat. 1730.
12 USC 1748h-1.

(1) CIVILIAN EMPLOYEES OF ARMED FORCES.—Section 809(f) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
12 USC 1748h-2.

(2) DEFENSE HOUSING FOR IMPACTED AREAS.—Section 810(k) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
12 USC 1749bb.

(j) LAND DEVELOPMENT INSURANCE.—Section 1002(a) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
12 USC 1749aaa.

(k) GROUP PRACTICE FACILITIES INSURANCE.—Section 1101(a) of the National Housing Act is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

SEC. 2. EXTENSION OF REHABILITATION LOAN AUTHORITY.

99 Stat. 1731.
42 USC 1452b.

Section 312(h) of the Housing Act of 1964 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

SEC. 3. EXTENSION OF RURAL HOUSING AUTHORITIES.

99 Stat. 1731.
42 USC 1485.

(a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
42 USC 1490.

(b) RURAL AREA CLASSIFICATION.—Section 520 of the Housing Act of 1949 is amended by striking out "March 17, 1986" in the last sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
42 USC 1490c.

(c) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

SEC. 4. EXTENSION OF FLOOD AND CRIME INSURANCE PROGRAMS.

(a) FLOOD INSURANCE.—

99 Stat. 1731.
12 USC 4026.

(1) GENERAL AUTHORITY.—Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
12 USC 4056.

(2) EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
12 USC 4101.

(3) ESTABLISHMENT OF FLOOD-RISK ZONES.—Section 1360(a)(2) of the National Flood Insurance Act of 1968 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1731.
12 USC 1749bbb.

(b) CRIME INSURANCE.—Section 1201(b)(1) of the National Housing Act is amended by striking out "March 17, 1986" in the matter preceding subparagraph (A) and inserting in lieu thereof "April 30, 1986".

SEC. 5. MISCELLANEOUS EXTENSIONS.

100 STAT. 75

(a) COMMUNITY DEVELOPMENT BLOCK GRANT CLASSIFICATIONS.—

99 Stat. 1731.
42 USC 5302.

(1) METROPOLITAN CITY.—Section 102(a)(4) of the Housing and Community Development Act of 1974 is amended by striking out "March 17, 1986" in the second sentence and inserting in lieu thereof "April 30, 1986".

99 Stat. 1732.
42 USC 5302.

(2) URBAN COUNTY.—Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended by striking out "March 17, 1986" in the second sentence and inserting in lieu thereof "April 30, 1986".

(b) **Section 202 Interest Rate Limitation.**—Section 223(a)(2) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1732.
12 USC 1701g note.

(c) **Home Mortgage Disclosure Act of 1975.**—Section 312 of the Home Mortgage Disclosure Act of 1975 is amended by striking out "March 17, 1986" and inserting in lieu thereof "April 30, 1986".

99 Stat. 1732.
12 USC 2811.

Approved March 27, 1986.

LEGISLATIVE HISTORY—H.J. Res. 563:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Mar. 12, considered and passed House.
Mar. 19, considered and passed Senate.

Public Law 99-278
99th Congress

100 STAT. 397

An Act

To extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

Apr. 24, 1986
[H.R. 4551]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 (relating to emergency acquisitions) is amended by striking out "April 15, 1986" and inserting in lieu thereof "July 15, 1986".

12 USC 1464 note.

(b) Section 206(a) of the Garn-St Germain Depository Institutions Act of 1982 (relating to net worth certificates) is amended by striking out "April 15, 1986" and inserting in lieu thereof "July 15, 1986".

12 USC 1729 note, 1823.

Approved April 24, 1986.

LEGISLATIVE HISTORY—H.R. 4551:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Apr. 14, considered and passed House.
Apr. 16, considered and passed Senate.

100 STAT. 412

Public Law 99-289
99th Congress

An Act

May 2, 1986
[H.R. 4602]

To authorize the Federal Housing Administration and the Government National Mortgage Association to enter into additional commitments to insure loans and guarantee mortgage-backed securities during fiscal year 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

12 USC 1721 note.

SECTION 1. FEDERAL HOUSING ADMINISTRATION FUND.

(a) The applicable limitation on additional commitments to insure mortgages and loans to carry out the purposes of the National Housing Act during fiscal year 1986 is increased by an additional $17,000,000,000 of mortgage and loan principal. 12 USC 1701.

Ante, p. 73. (b) Each provision of law amended by Public Law 99-267 is amended by striking out "April 30, 1986" wherever it appears and inserting in lieu thereof "June 6, 1986".

12 USC 1721 note.

SEC. 2. GOVERNMENT NATIONAL MORTGAGE ASSOCIATION GUARANTEES OF MORTGAGE-BACKED SECURITIES.

The applicable limitation on new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act during fiscal year 1986 is increased by an additional $60,684,750,000 of principal. 12 USC 1721.

12 USC 1721 note.

SEC. 3. ADMINISTRATIVE PROVISION.

(a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall estimate the rates at which the authority to make commitments to insure mortgages and loans under the National Housing Act, and the authority to make commitments to issue guarantees under section 306(g) of that Act, are likely to be used for the remainder of any fiscal year. The Secretary shall make these estimates at such times as the Secretary deems appropriate, but not less frequently than monthly.

(b) If an estimate under subsection (a) indicates that either limitation on authority to make commitments for a fiscal year referred to in subsection (a) will be reached before the end of that fiscal year, or in any event whenever 75 per centum of either authority to make commitments has been utilized, the Secretary shall promptly so notify the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

Approved May 2, 1986.

LEGISLATIVE HISTORY—H.R. 4602:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Apr. 21, considered and passed House.
Apr. 29, considered and passed Senate, amended.
Apr. 30, House concurred in Senate amendment.

Public Law 99-345
99th Congress

100 STAT. 673

Joint Resolution

To provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

June 24, 1986
[H.J. Res. 652]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Each provision of law amended by Public Law 99-289, is amended by striking out "June 6, 1986" wherever it appears and inserting in lieu thereof "September 30, 1986".

Ante, p. 412.

Sec. 2. The applicable limitation on additional commitments to insure mortgages and loans to carry out the purposes of the National Housing Act during fiscal year 1986 is increased by an additional $9,500,000,000 of mortgage and loan principal.

Loans.
12 USC 1701.

Approved June 24, 1986.

LEGISLATIVE HISTORY—H.J. Res. 652:

CONGRESSIONAL RECORD, Vol. 132 (1986):
June 12, considered and passed House.
June 18, considered and passed Senate, amended.
June 19, House concurred in Senate amendment with an amendment.
June 23, Senate concurred in House amendment with an amendment.
June 24, House concurred in Senate amendment.

Public Law 99-400
99th Congress

100 STAT. 902

An Act

To extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

Aug. 27, 1986
[H.R. 5371]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 is amended by striking out "July 15, 1986" and inserting in lieu thereof "September 15, 1986".

Ante, p. 397

(b) Section 206(a) of such Act is amended by striking out "July 15, 1986" and inserting in lieu thereof "September 15, 1986".

Ante, p. 397.

(c) Sections 141(a) and 206(a) of the Garn-St Germain Depository Institutions Act of 1982, as such sections are in effect on the day after the date of enactment of this Act, shall apply as if such sections had been included in the Garn-St Germain Depository Institutions Act of 1982 on the date of the enactment of such Act, no amendment made by any such section to any other provision of law shall be deemed to have taken effect before the date of the enactment of this Act, and any such provision of law shall be in effect as if no such amendment had taken effect before the date of the enactment of this Act.

Effective date.
12 USC 1464 note.
12 USC 226 note.

Approved August 27, 1986.

LEGISLATIVE HISTORY—H.R. 5371:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Aug. 13, considered and passed House.
Aug. 15, considered and passed Senate.

Public Law 99-430
99th Congress

An Act

Sept. 30, 1986
[S.J. Res. 353]

To provide for the extension of certain programs relating to housing and community development, and for other purposes.

12 USC 1721 note.
Ante, p. 673.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, **That each provision of law amended by Public Law 99-345 is amended by striking out "September 30, 1986" wherever it appears and inserting in lieu thereof "September 30, 1987".**

Approved September 30, 1986.

LEGISLATIVE HISTORY—S.J. Res. 353 (H.R. 1):

CONGRESSIONAL RECORD, Vol. 132 (1986):
Sept. 26, considered and passed Senate.
Sept. 30, considered and passed House.

INTERIOR ACTS

Public Law 99-264
99th Congress

An Act

To settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to certain lands, and for other purposes.

Mar. 24, 1986
[S. 1396]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White Earth Reservation Land Settlement Act of 1985".

White Earth Reservation Land Settlement Act of 1985.
Minnesota.
25 USC 331 note.
25 USC 331 note.

Sec. 2. The Congress finds that—

(1) claims on behalf of Indian allottees or heirs and the White Earth Band involving substantial amounts of land within the White Earth Indian Reservation in Minnesota are the subject of existing and potential lawsuits involving many and diverse interests in Minnesota, and are creating great hardship and uncertainty for government, Indian communities, and non-Indian communities;

(2) the lawsuits and uncertainty will result in great expense and expenditure of time, and could have a profound negative impact on the social and well-being of everyone on the reservation;

(3) the White Earth Band of Chippewa Indians, State of Minnesota, along with its political subdivisions, and other interested parties have made diligent efforts to fashion a settlement to these claims, and the Federal Government, by providing the assistance specified in this Act, will make possible the implementation of a permanent settlement with regard to these claims;

(4) past United States laws and policies have contributed to the uncertainty surrounding the claims;

(5) it is in the long-term interest of the United States, State of Minnesota, White Earth Band, Indians, and non-Indians for the United States to assist in the implementation of a fair and equitable settlement of these claims; and

(6) this Act will settle unresolved legal uncertainties relating to these claims.

Sec. 3. For purposes of this Act:

25 USC 331 note.

(a) "Allotment" shall mean an allocation of land on the White Earth Reservation, Minnesota, granted, pursuant to the Act of January 14, 1889 (25 Stat. 642), and the Act of February 8, 1887 (24 Stat. 388), to a Chippewa Indian.

(b) "Allottee" shall mean the recipient of an allotment.

(c) "Full blood" shall mean a Chippewa Indian of the White Earth Reservation, Minnesota, who was designated as a full blood Indian on the roll approved by the United States District Court for the District of Minnesota on October 1, 1920, or who was so designated by a decree of a Federal court of competent jurisdiction; it shall also refer to an individual who is not designated on said roll but who is the biological child of two full blood parents so designated on the roll or of one full blood parent so designated on the roll and one parent who was an Indian enrolled in any other federally recognized Indian tribe, band, or community.

100 STAT. 62

(d) "Inherited" shall mean received as a result of testate or intestate succession or any combination of testate or intestate succession, which succession shall be determined by the Secretary of the Interior or his authorized representative.

(e) "Mixed blood" shall mean a Chippewa Indian of the White Earth Reservation, Minnesota, who was designated as a mixed blood Indian on the roll approved by the United States District Court of Minnesota on October 1, 1920, unless designated a full blood by decree of a Federal court of competent jurisdiction; it shall also refer to any descendants of an individual who was listed on said roll providing the descendant was not a full blood under the definition in subsection (c) of this section. The term "mixed blood" shall not include an Indian enrolled in any federally recognized Indian tribe, band, or community other than the White Earth Band.

(f) "Tax forfeited" shall mean an allotment which, pursuant to State law, was declared forfeited for nonpayment of real property taxes and purportedly transferred directly to the State of Minnesota or to private parties or governmental entities.

(g) "Majority" shall mean the age of twenty-one years or older.

(h) "Secretary" shall mean the Secretary of the Interior or his/or her authorized representative.

(i) "Trust period" shall mean the period during which the United States held an allotment in trust for the allottee or the allottee's heirs. For the purpose of this Act, the Executive Order Numbered 4642 of May 5, 1927, Executive Order Numbered 5768 of December 10, 1931, and Executive Order Numbered 5953 of November 23, 1932, shall be deemed to have extended trust periods on all allotments or interests therein the trust periods for which would otherwise have expired in 1927, 1932, or 1933, notwithstanding the issuance of any fee patents for which there were no applications, and if such allotments were not specifically exempted from the Executive orders; and the Indian Reorganization Act of June 18, 1934, shall be deemed to have extended indefinitely trust periods on all allotments or interests therein the trust periods for which would otherwise have expired on June 18, 1934, or at any time thereafter. Said Executive orders and Act shall be deemed not to have extended the trust period for allotments or interests which were sold or mortgaged by adult mixed bloods, by non-Indians, or with the approval of the Secretary, or for allotments or interests which were sold or mortgaged by anyone where such sale or mortgage was the subject of litigation in Federal court which proceeded to a judgment on the merits and where the outcome of such litigation did not vacate or void said sale or mortgage.

25 USC 461 *et seq.*

(j) "Interest", except where such item is used in conjunction with "compound", shall mean a fractional holding, less than the whole, held in an allotment.

(k) "Adult" shall mean having attained the age of majority.

(l) "Heir" shall mean one who received or was entitled to receive an allotment or interest as a result of testate or intestate succession under applicable Federal or Minnesota law.

(m) "Transfer" includes but is not limited to any voluntary or involuntary sale, mortgage, tax forfeiture or conveyance pursuant to State law; any transaction the purpose of which was to effect a sale, mortgage, tax forfeiture or conveyance pursuant to State law; any Act, event, or circumstance that resulted in a change of title to, possession of, dominion over, or control of an allotment or interest therein.

100 STAT. 63

Taxes.
State and local governments.
25 USC 331 note.

SEC. 4. (a) The provisions of this Act shall apply to the following allotments:

(1) allotments which were never sold or mortgaged by the allottees or by their heirs and which were tax forfeited during the trust period;

(2) allotments which were sold or mortgaged during the trust period, without the approval of the Secretary, by the allottees

prior to having attained majority, and were never again sold or mortgaged either by the allottees upon their having attained majority or by heirs of the allottees;

(3) allotments which were sold or mortgaged during the trust period by full blood allottees without the approval of the Secretary, and were never again the subject of a sale or mortgage by heirs of the allottees; and

(4) allotments which were never sold or mortgaged by the allottees, but which subsequent to the deaths of the allottees, purportedly were sold or mortgaged, during the trust period, by administrators, executors, or representatives, operating under authority from State courts, and were never again the subject of a sale or mortgage by heirs of the allottees.

(b) The provisions of this Act shall also apply to the following allotments or interests in allotments:

(1) allotments or interests which were inherited by full or mixed bloods who never sold or mortgaged their allotments or interests or by Indians enrolled in other federally recognized Indian tribes, bands, or communities who never sold or mortgaged their allotments or interests, where the allotments or interests were tax forfeited during the trust period;

(2) allotments or interests which were inherited by mixed bloods under the age of majority and which were sold or mortgaged during the trust period without the approval of the Secretary prior to such mixed bloods having attained majority, but which were never again sold or mortgaged by them upon having attained majority or by their heirs;

(3) allotments or interests which were inherited by full bloods or by Indians enrolled in other federally recognized Indian tribes, bands, or communities, who sold or mortgaged such allotments or interests during the trust period without the approval of the Secretary;

(4) allotments or interests which were inherited by full or mixed bloods who never sold or mortgaged their allotments or interests, but which, subsequent to the deaths of such heirs, were sold or mortgaged during the trust period by administrators, operating under authority from State courts;

(5) allotments or interests which were owned by allottees or which were inherited by full or mixed bloods for whom guardians were appointed by State courts, which guardians sold or mortgaged the allotments or interests during the trust period without the approval of the Secretary;

(6) interests which were inherited by full or mixed bloods who never sold or mortgaged their interests during the trust period, even though other interests in the same allotment were sold by other heirs where the land comprising the allotment has been claimed in full by other parties adversely to the full or mixed bloods who never sold or mortgaged their interests; and

100 STAT. 64

(7) allotments or interests which were inherited by full or mixed bloods or by Indians enrolled in other federally recognized Indian tribes, bands, or communities which were never sold or mortgaged during the trust period but which were purportedly distributed by State court probate proceedings to other individuals.

Prohibitions.

(c) This Act shall not apply to—

(1) any allotment or interest the sale or mortgage of which was the subject of litigation which proceeded to a judgment on the merits in Federal courts and where the outcome of such litigation was other than vacating and voiding such sale or mortgage;

(2) any allotment or interest which was tax forfeited subsequent to the date on which the tax exemption was declared by a Federal court to have expired;

(3) any allotment or interest which was sold, mortgaged, or tax forfeited after the expiration of the trust period; or

(4) any allotment or interest which was sold or mortgaged at any time by an adult mixed blood Indian.

Nothing in this Act is intended to question the validity of the transactions relating to allotments or interests as described in section 4(c), and such allotments and interests are declared to be outside the scope of this Act.

25 USC 331 note.

SEC. 5. (a) Any determination of the heirs of any person holding an allotment or interest, made by the courts of the State of Minnesota, which is filed with the proper county recording officer prior to May 9, 1979, shall be deemed to have effectively transferred the title of the decedent in the allotment or interest to the heirs so determined unless a separate determination of heirs has been made by the Secretary before the effective date of this Act and such determination has been filed with the proper county recording officer within six months after the effective date of this Act. Nothing in this subsection shall be construed to remove any allotment described in section 4 from the compensation provided for in the Act.

(b) The proper county recording officer is the county recorder of the county in which the allotment or interest is located if the title has not been registered pursuant to Minnesota law. If the title has been so registered, the proper county recording officer shall be the registrar of titles in the county in which the allotment or interest is located.

(c) As to any allotment which was granted to an allottee who had died prior to the selection date of the allotment, the granting of such allotment is hereby ratified and confirmed, and shall be of the same effect as if the allotment had been selected by the allottee before the allottee's death: *Provided,* That the White Earth Band of Chippewa Indians shall be compensated for such allotments in the manner provided in sections 6, 7, and 8.

(d) As to any allotment that was made under the provisions of the Treaty of March 19, 1867 (16 Stat. 719), and which was reallotted under the provisions of the Act of January 14, 1889 (25 Stat. 642), such reallotment is hereby ratified and confirmed.

Federal Register, publication.
Taxes.
25 USC 331 note.

100 STAT. 65

SEC. 6. (a) As soon as the conditions set forth in section 10 of this Act have been met, the Secretary shall publish a certification in the Federal Register that such conditions have been met. After such publication, any allotment or interest which the Secretary, in accordance with this Act, determines falls within the provisions of section 4(a), 4(b), or 5(c), the tax forfeiture, sale, mortgage, or other transfer, as described therein, shall be deemed to have been made in accordance with the Constitution and all laws of the United States specifically applicable to transfers of allotments or interests held by the United States in trust for Indians, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer, subject to the provisions of section 6(c). Compensation for loss of allotments or interests resulting from this approval and ratification shall be determined and processed according to the provisions of section 8.

(b) By virtue of the approval and ratification of transfers of allotments or interests therein effected by this section, all claims against the United States, the State of Minnesota or any subdivisions thereof, or any other person or entity, by the White Earth Band, its members, or by any other Indian tribe or Indian, or any successors in interest thereof, arising out of, and at the time of or subsequent to, the transfers described in section 4(a), 4(b), or 5(c) and based on any interest in or nontreaty rights involving such allotments or interests therein, shall be deemed never to have existed as of the date of the transfer, subject to the provisions of this Act.

Prohibitions.
Courts, U.S.

(c) Notwithstanding any provision of law other than the provisions of this section, any action in any court to recover title or damages relating to transactions described in section 4(a), 4(b), 5(a) or 5(c), shall be forever barred unless the complaint is filed not later than one hundred and eighty days following enactment of this Act, or prior to the publication required by section 6(a) whichever occurs later in time: *Provided,* That immediately upon the date of enactment of this Act any such action on behalf of the White Earth Band of Chippewa Indians shall be forever barred, unless the publication required by section 6(a) does not take place within two years of the date of enactment of this Act in which case the bar of any such action on behalf of the White Earth Band of Chippewa Indians shall be deemed lifted and nullified: *Provided further,* That the Secretary shall not issue to the White Earth Band any report rejecting litigation nor submit to Congress any legislation report pursuant to section 2415 of title 28, United States Code, relating to transactions described in section 4(a), 4(b), 5(a) or 5(c) of this Act, until and unless the bar against actions on behalf of the White Earth Band is lifted and nullified. Any such action filed within the time period allowed by this subsection shall not be barred; however, the filing of any such action by an allottee, heir, or others entitled to compensation under this Act shall bar such allottee, heir, or others from receiving compensation pursuant to the provisions of section 8. The United States District Court for the District of Minnesota shall have exclusive jurisdiction over any such action otherwise properly filed within the time allowed by this subsection.

Report.

Courts, U.S.

(d) This section shall not bar an heir, allottee, or any other person entitled to compensation under this Act from maintaining an action, based on the transactions described in section 4(a), 4(b), 5(a), or 5(c), against the United States in the Claims Court pursuant to the Tucker Act, section 1491 of title 28, United States Code, challenging the constitutional adequacy of the compensation provisions of section 8(a) as they apply to a particular allotment or interest: *Provided,* That such action shall be filed with the Claims Court not later than one hundred and eighty days after the issuance of the notice of the Secretary's compensation determination as provided in section 8(c). If such an action is not filed within the one-hundred-and-eighty-day period, it shall be forever barred. The United States hereby waives any sovereign immunity defense it may have to such an action but does not waive any other defenses it may have to such action. The filing of an action by any heir, allottee, or any other person under the provisions of this section shall bar such person forever from receiving compensation pursuant to the provisions of section 8.

100 STAT. 66

Federal Register, publication.
Public availability.
25 USC 331 note.

SEC. 7. (a) The Secretary is hereby authorized to and shall diligently investigate to the maximum extent practicable all White Earth allotments and shall determine which allotments or interest fall within any of the provisions of section 4(a), 4(b), or 5(c). As to all such allotments or interests determined to be within the provisions of section 4(a), 4(b), or 5(c), the Secretary shall prepare lists of such allotments or interests, which shall include allotment number, land description, and allottee's name, in English and Ojibway where available. A first list shall be published within one hundred and eighty days after the date of enactment of this Act in the Federal Register; in a newspaper of general circulation in Mahnomen County, Minnesota; in a newspaper of general circulation in Becker County, Minnesota; in a newspaper of general circulation in Clearwater County, Minnesota; in one newspaper of general circulation in metropolitan Minneapolis-Saint Paul; and, in the Secretary's discretion, in any appropriate band or tribal newspaper. Publication in the required newspapers shall take place no later than thirty days after publication in the Federal Register.

(b) Any tribe, band, or group of Indians, or any individual shall have one year after the date of publication in the Federal Register to submit to the Secretary any additional allotments or interests which the tribe, band, group, or individual believes should fall within any of the provisions of section 4(a), 4(b), or 5(c). The Secretary, without such submissions, may also independently determine that additional allotments or interests fall within such provisions. Any additional allotments or interests submitted to the Secretary shall be accompanied by a statement identifying the allotment or interest and its land description and summarizing the reasons why it should be added to the list required by this section.

Federal Register, publication.

(c) The Secretary shall determine which additional allotments or interests fall within the provisions of section 4(a), 4(b), or 5(c), and not later than five hundred and forty days of the date of publication of the Secretary's first list in the Federal Register, the Secretary shall publish a second list in the Federal Register and previously required newspapers of the allotments or interests the Secretary has determined should be added to the first published list.

Federal Register, publication.

5 USC prec. 551 note.

100 STAT. 67

(d) Any determination made by the Secretary under this section to include an allotment or interest on the first list required by the section to be published in the Federal Register may be judicially reviewed pursuant to the Administrative Procedure Act not later than ninety days of the publication date of the first list of the Federal Register. Any such action not filed within such ninety-day period shall be forever barred. Any determination made by the Secretary to include an allotment or interest on the second list required by this section to be published in the Federal Register, or any determination made by the Secretary not to include an allotment or interest on such list, may be judicially reviewed pursuant to the Administrative Procedure Act within ninety days of the publication date of the second list in the Federal Register. Any such action not filed within such ninety-day period shall be forever barred. Exclusive jurisdiction over actions under this subdivision is hereby vested in the United States District Court for the District of Minnesota.

Taxes.
25 USC 331 note.

State and local governments.

Prima facie evidence.

SEC. 8. (a) Compensation for a loss of an allotment or interest shall be the fair market value of the land interest therein as of the date of tax forfeiture, sale, allotment, mortgage, or other transfer described in section 4(a), 4(b), or 5(c), less any compensation actually received, plus interest compounded annually at 5 per centum from the date of said loss of an allotment or interest until the date of enactment of this Act, and at the general rate of interest earned by United States Department of the Interior funds thereafter. A determination of compensation actually received shall be supported by Federal, State, or local public documents filed contemporaneously with the transaction or by clear and convincing evidence. Compensation actually received shall not be subtracted from the fair market value in any instance where an allotment or interest was sold or mortgaged by a full or mixed blood, under the age of eighteen years, or in any instance where there is prima facie evidence that fraud occurred in a sale or mortgage. No compensation for loss of an allotment or interest relating to transfers described in section 4(b) shall be granted to any person or the heirs of such person where such allotment or interest was received pursuant to State court probate proceedings and where also it has been or is determined by the Secretary that such person or heirs were not entitled to inherit the allotment or interest.

(b) For the purpose of this section, the date of transfer applicable to interests described in section 4(b)(6) shall be the last date on which any interest in the subject allotment was transferred by document of record by any other heir of the allottee; and the date of transfer applicable to allotments described in section 5(c) shall be the selection date. For purposes of this section, the Secretary shall establish the fair market value of various types of land for various years, which shall govern the compensation payable under this section unless a claimant demonstrates that a particular allotment or interest had a value materially different from the value established by the Secretary.

Federal Register, publication.

(c) The Secretary shall provide written notice of the Secretary's compensation determination to the allottees or heirs entitled thereto. Such notice shall describe the basis for the Secretary's determination, the applicable time limits for judicial review of the determination, and the process whereby such compensation will be distributed. The Secretary shall proceed to make such heirship determinations as may be necessary to provide the notice required by this section: *Provided*, That the Secretary shall accept as conclusive evidence of heirship any determination of the courts of the State of Minnesota as provided in section 5(a) of this Act: *Provided further*, That the Secretary shall give written notice only to those allottees or heirs whose addresses can be ascertained by reasonable and diligent efforts; otherwise such notice shall be given by publication in the Federal Register.

Courts, U.S.

(d) The Secretary's administrative determination of the appropriate amount of compensation computed pursuant to the provisions of this Act may be judicially reviewed pursuant to the Administrative Procedure Act not later than one hundred and eighty days after the issuance of notice as aforesaid; after such time the Secretary's determination shall be conclusive and all judicial review shall be barred. Exclusive jurisdiction over any such action is hereby vested in the United States District Court for the District of Minnesota.

5 USC prec. 551 note.

100 STAT. 68

(e) Once a compensation determination has become conclusive according to the provisions of subsection (d), the Secretary shall certify such determination to the Secretary of the Treasury and such conclusive determination shall be treated as a final judgment, award or, compromise settlement under the provisions of title 31, United States Code, section 1304. The Secretary of the Treasury is authorized and directed to pay out of the funds in the Treasury into a separate interest bearing White Earth Settlement Fund account the amount certified by the Secretary of the Interior in each case. The Secretary of the Interior shall then make a diligent effort to locate each allottee or heir; however, if, after two years from the date on which a determination becomes conclusive an allottee or heir cannot be located, the Secretary of the Interior shall declare the amount owing to such allottee or heir forfeited.

(f) Any and all amounts forfeited pursuant to subsection (e) together with the interest accumulated thereon, pursuant to section 8 shall be transferred annually to the fund established under section 12 for the White Earth Band.

25 USC 331 note.

SEC. 9. The Secretary shall determine the heirs, if heretofore undetermined, or modify the inventory of an existing heirship determination of any full or mixed blood or Indian enrolled in any other federally recognized Indian tribe, band, or community, where appropriate for the purposes of this Act: *Provided*, That the Secretary shall accept any determination of heirship by the courts of the State of Minnesota as provided in section 5(a) of this Act.

Federal Register, publication.
25 USC 331 note.

SEC. 10. (a) The provisions of section 6 of this Act shall take effect upon the publication in the Federal Register by the Secretary of certification that the following conditions have been satisfied:

(1) The State of Minnesota, in accordance with Laws of Minnesota 1984, chapter 539, has entered into an agreement with the Secretary providing for the transfer of ten thousand acres of land within the exterior boundaries of the White Earth Reservation to the United States to hold in trust for the White Earth Band of Chippewa Indians as the State's contribution to the settlement provided for by this Act. The Secretary shall not enter into such an agreement until the Secretary determines, or the authorized governing body of the band certifies to the Secretary in writing, that the agreement will result in the transfer of ten thousand acres which possess reasonable value for the White Earth Band, including but not limited to value for agricultural, recreational, forestry, commercial, residential, industrial, or general land consolidation purposes. The land transferred pursuant to this subsection shall be accepted by the United States subject to all existing accesses, roads, easements, rights of way, or similar uses unless the Governor and Attorney General of the State of Minnesota certify in writing to the Secretary the State's intent to abandon such uses on a particular parcel.

(2) The State, in accordance with the Laws of Minnesota 1984, chapter 539, has appropriated $500,000 for the purpose of providing the United States with technical and computer assistance for implementing the settlement provided for in this Act.

(3) The United States has appropriated $6,600,000 for economic development for the benefit of the White Earth Band of Chippewa Indians.

(b) Upon final acceptance by the Secretary, the land referred to in subsection (a)(1) shall be deemed to have been reserved as of the date of the establishment of the White Earth Reservation and to be part of the trust land of the White Earth Reservation for all purposes.

25 USC 331 note.

SEC. 11. Nothing in this Act is intended to alter the jurisdiction currently possessed by the White Earth Band of Chippewa Indians, the State of Minnesota, or the United States over Indians or non-Indians within the exterior boundaries of the White Earth Reservation.

Funds.
25 USC 331 note.

SEC. 12. (a) There is established in the Treasury of the United States a fund to be known as the White Earth Economic Development and Tribal Government Fund. Money in this Fund shall be held in trust by the United States for the White Earth Band of Chippewa Indians, and shall be invested and managed by the Secretary in the same manner as tribal trust funds pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(b) The White Earth Economic Development and Tribal Government Fund shall consist of—

(1) money received by the White Earth Band as compensation pursuant to section 8; and

(2) money received by the White Earth Band as a result of amounts forfeited pursuant to section 8(f); and

(3) money received as an appropriation pursuant to section 15; and

(4) income accruing on such sums.

Income accruing to the White Earth Economic Development and Tribal Government Fund shall, without further appropriation, be available for expenditure as provided in subsection (c).

Prohibitions.

(c) Income from the fund may be used by the authorized governing body of the band for band administration. Principal and income may be used by the authorized governing body of the band for economic development, land acquisition, and investments: *Provided, however,* That under no circumstances shall any portion of the moneys described in subsection (b) be used for per capita payments to any members of the band: *Provided further,* That none of the funds described in subsection (b) shall be expended by the governing body of the band until—

(1) such body has adopted a band financial ordinance and investment plan for the use of such funds; and

(2) such body has submitted to the Secretary a waiver of liability on the part of the United States for any loss resulting from the use of such funds; and

(3) the Secretary has approved the band financial ordinance and investment plan. The Secretary shall approve or reject in writing such ordinance and plan within sixty days of the date it is mailed or otherwise submitted to him: *Provided,* That such ordinance and plan shall be deemed approved if, sixty days after submission, the Secretary has not so approved or rejected it. The Secretary shall approve the ordinance and plan if it adequately contains the element specified in this subsection.

25 USC 331 note.

SEC. 13. Notwithstanding any other law to the contrary, the United States grants its permission to the State of Minnesota to transfer land to the White Earth Band as described in section 10(a)(1) which prior to the date of enactment of this Act may have been obtained by the State pursuant to other Federal law or with Federal assistance. Any restrictions or conditions imposed by any other Federal law or regulation on the transfer of such land are hereby waived and removed.

Report. 25 USC 331 note.

SEC. 14. Not later than five years, or as soon as possible, after the date of enactment of this Act, the Secretary shall make all determinations, provide all notices, and complete the administrative work necessary to accomplish the objectives of this Act. The Secretary shall give priority in making compensation determinations and payments under this Act to original allottees and elderly heirs. The Secretary shall submit a report by January 1 of each year to the chairman of the House of Representatives Committee on Interior and Insular Affairs and the chairman of the Senate Committee on Indian Affairs, which report shall summarize the administrative progress to date and shall estimate the amount and nature of work left to be done.

25 USC 331 note.

SEC. 15. There are hereby authorized to be appropriated to the White Earth Band $6,600,000 as a grant to be expended as provided in section 12.

Prohibitions. 25 USC 331 note.

SEC. 16. None of the moneys which are distributed under this Act shall be subject to Federal or State income taxes or be considered as income or resources in determining eligibility for or the amount of assistance under the Social Security Act or any other federally assisted program.

42 USC 1305 *et seq.*

25 USC 331 note.

SEC. 17. The Secretary is authorized, if so requested by the authorized governing body of the White Earth Band, to exchange any of the land which is transferred to the United States as described in section 10(a)(1) for any other land within the exterior boundaries of the White Earth Reservation which is owned by the United States, the State of Minnesota, or any of the State's political subdivisions. Nothing in this section shall be deemed to require an exchange not agreed to by all parties to the exchange.

25 USC 331 note.

SEC. 18. Any lands acquired by the White Earth Band within the exterior boundaries of the White Earth Reservation with funds referred to in section 12, or by the Secretary pursuant to section 17, shall be held in trust by the United States. Such lands shall be deemed to have been reserved from the date of the establishment of said reservation and to be part of the trust land of the White Earth Band for all purposes.

Approved March 24, 1986.

LEGISLATIVE HISTORY—S. 1396:

HOUSE REPORT No. 99-489 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 99-192 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Dec. 12, 13, considered and passed Senate.
Vol. 132 (1986): Mar. 11, considered and passed House.

100 STAT. 803

Public Law 99-375
99th Congress

An Act

Aug. 7, 1986
[H.R. 1406]

To authorize appropriations for nongame fish and wildlife conservation during fiscal years 1986, 1987, and 1988.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2910) is amended by striking out "and 1985." and inserting in lieu thereof "1985, 1986, 1987, and 1988.".

Approved August 7, 1986.

LEGISLATIVE HISTORY—H.R. 1406 (S. 1353):

HOUSE REPORTS: No. 99-75 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD:
Vol. 131 (1985): July 29, considered and passed House.
Vol. 132 (1986): July 25, considered and passed Senate.

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100 STAT. 826

Public Law 99-388
99th Congress

An Act

Aug. 23, 1986
[H.R. 1963]

To increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR HISTORIC SITE AND NATIONAL MEMORIAL.

Public buildings and grounds.

Section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by inserting "(a)" after "Sec. 5." and adding the following new subsection at the end thereof:

"(b) In addition to such sums as may have been authorized for development prior to the enactment of this subsection, effective October 1, 1986, there is authorized to be appropriated not to exceed $9,800,000 for the purposes of development at both Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial.".

SEC. 2. JOHNSTOWN FLOOD MUSEUM AGREEMENT.

Section 4 of the Act of August 31, 1964 (78 Stat. 752), is amended by inserting "(a)" after Sec. 4." and by adding the following new subsection at the end thereof:

"(b) In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to enter into an argreement with the Johnstown Flood Museum Association, pursuant to which the Secretary may—

"(1) provide technical assistance to mark, restore, interpret, operate, and maintain the Johnstown Flood Museum, and

"(2) with funds appropriated specifically for the purpose, provide financial assistance to mark, restore, interpret, operate, and maintain the museum.

No Federal funds may be used to provide financial assistance to the Johnstown Flood Museum Association until the agreement referred to in this subsection has been executed. Financial assistance under paragraph (2) shall not cover more than 50 percent of the costs described in paragraph (2). The remaining share of such costs shall be provided from non-Federal funds, services, or materials, or any combination thereof. The Secretary may also accept the donation of the building and collection owned by the Johnstown Flood Museum Association and the parcel of land on which such building is situated. Following acceptance by the Secretary, such parcel shall be included within the boundary of the Johnstown Flood National Memorial without regard to any acreage limitations set forth in any other provision of law.".

100 STAT. 827

Approved August 23, 1986.

LEGISLATIVE HISTORY—H.R. 1963:

HOUSE REPORTS: No. 99-291 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 99-363 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Sept. 30, considered and passed House.
Vol. 132 (1986): Aug. 11, considered and passed Senate.

Public Law 99-396
99th Congress

100 STAT. 837

An Act

To amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes.

Aug. 27, 1986
[H.R. 2478]

Virgin Islands.
Northern Mariana Islands.
Guam.
American Samoa.
Trust Territory of the Pacific Islands.
Elections.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1593), is amended to read as follows:

"SEC. 12. (a) The people of the Virgin Islands shall have the rights of initiative and recall to be exercised as provided in subsection (b) and subsection (c), respectively.

"(b)(1) An initiative may enact, amend, or repeal any law, except that an initiative shall not be used to repeal a law declared by the legislature at the time of passage to be an emergency law necessary for the preservation of the public health, safety, or peace.

"(2) An initiative that proposes a reduction of taxes shall also provide for an equivalent reduction of expenditures or an equivalent increase in revenues from other sources.

"(3) An initiative shall address one subject only and matters reasonably related to that subject.

"(4) The ballot question shall be in such form that a 'yes' vote is a vote in favor of the proposal and a 'no' vote is a vote against the proposal.

"(5) A copy of the proposed initiative petition, including a complete text of the proposed law and containing signatures equal to at least 1 percent of the voters of each legislative district or 4 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections prior to circulation for ballot qualification. The Supervisor of Elections must determine within 10 days after the submission whether the preliminary signatures are sufficient. If so determined, the Supervisor of Elections shall refer the preliminary petition to an initiative titling board consisting of the Attorney General, the Supervisor of Elections, and the legislative counsel of the legislature. The board shall, in an open hearing, prepare the official ballot title, the submission question, and a summary of the initiative proposal, and this preparation shall be completed within 30 days after the referral.

"(6) After the ballot title has been written, proponents of the initiative proposal shall have a maximum of 180 days to circulate the petition. Petitions containing signatures equal to at least 10 percent of the voters of each legislative district or 41 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections. The Supervisor shall have 15 days to determine that the minimum number of valid signatures are contained in the petition and he shall forward the certified proposal to the legislature which must accept or reject the measure within 30 days. If approved, the initiative shall take effect in accordance with its terms. If the legislature does not approve, the initiative shall be submitted to the voters at the next general election, unless the legislature approves a special election for this purpose. The legislature may submit its own version of the initiative to the voters. Should both measures be approved by the voters, the measure receiving the higher number of votes shall prevail. The voters shall have a clear alternative of rejecting either version or the entire proposition.

100 STAT. 838

"(7) An initiative submitted to the voters shall take effect if the initiative is approved by a majority of persons voting and if a majority of the voters of the Virgin Islands vote on the initiative. An initiative may not be vetoed by the Governor, and when approved by the voters, may not be amended or repealed by the legislature during the 3-year period after its approval unless the legislature acts by a two-thirds majority.

"(8) The legislature may provide the manner in which petitions shall be circulated, filed, certified, and the ballot question shall be submitted to the voters.

"(c)(1) An elected public official of the Virgin Islands may be removed from office by a recall election carried out under this subsection. The grounds for recall are any of the following: lack of fitness, incompetence, neglect of duty, or corruption.

"(2) A recall election may be initiated by a two-thirds vote of the members of the legislature or by a petition under this subsection.

"(3) Prior to circulation a recall petition which identifies by name and office the official being recalled and which states the grounds for recall shall be submitted to the Supervisor of Elections. The sponsors of the recall petition shall be allowed a period of 60 days after such submission for filing with the Supervisor of Elections a list of signatures equal in number to at least 50 percent of the whole number of votes cast for that office in the last general election at which that office was filled. The Supervisor of Elections shall have 15 days in which to determine whether the minimum number of valid signatures are contained in the recall petition.

"(4) A special recall election shall be held with respect to an elected public official not earlier than 30 days after a vote of the legislature under paragraph (2) or a determination of the board of elections under paragraph (3), as the case may be, and not later than 60 days after such vote or determination.

"(5) An official shall be removed from office upon approval of the recall in an election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such recall election.

"(6) No recall election shall be held with respect to an elected public official—

"(A) during the first year of the first term of office of the official; or

"(B) less than 3 months before a general election for the office.

"(d) As used in this section, the term—

"(1) 'law' means a law of the Virgin Islands; and

"(2) 'voter' means a registered voter who is eligible to vote on the issue or for the office involved.".

Loans.
48 USC 1681 note.

SEC. 2. A total of up to $4,000,000 of funds currently reserved for use by the economic development loan fund, as established under subsection (c) of section 702 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by Public Law 94-241, may be expended for capital improvement projects: *Provided*, That such funds become available for use by the economic development loan fund and such funds are not obligated for economic development loans.

100 STAT. 839

48 USC 1681 note.

48 USC 1704.
Real property.

SEC. 3. The first sentence of section 4(a) of the Act of November 20, 1963 (77 Stat. 339) is amended to read as follows: "(a) Except as otherwise provided by law, the governments of the Virgin Islands, Guam, and American Samoa, shall have concurrent civil and criminal jurisdiction with the United States with regard to property owned, reserved, or controlled by the United States in the Virgin Islands, Guam, and American Samoa respectively.".

Effective date.
Appropriation authorization.
Grants.

SEC. 4. Effective October 1, 1986, there are authorized to be appropriated $1,200,000 for grants to the College of the Virgin Islands for projects related to the Eastern Caribbean Center, to remain available until expended.

48 USC 1421g.

SEC. 5. Section 29(b) of the Organic Act of Guam (64 Stat. 392) is amended by striking out "Governor" and inserting in lieu thereof "Government of Guam".

Water Island.

SEC. 6. The Secretary of the Interior is authorized and directed to develop, in consultation with the Governor of the Virgin Islands, options for the future use or disposition of Water Island which would contribute to economic growth in and make the island an integral part of the Virgin Islands community. The Secretary shall submit such options to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within 10 days after the convening of the 100th Congress.

SEC. 7. Section 901(a) of part I of title I of the Act of June 19, 1968 (82 Stat. 225, as amended, 42 U.S.C. 3791(a)) is further amended—

(1) in paragraph (2)—

(A) by striking out "and"; and

(B) by inserting before the semicolon the following: ", American Samoa, Guam, and the Northern Mariana Islands: *Provided*, That for the purposes of section 407(a) American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for these purposes, 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands"; and

42 USC 3747.

(2) in paragraph (3)—

(A) by striking out ", Guam, American Samoa" and inserting "and" in lieu thereof; and

(B) by striking out all that appears after "Pacific Islands" and inserting a semicolon in lieu thereof.

Wildlife.

SEC. 8. (a) Section 8A of the Act of September 2, 1937 (50 Stat. 918, as amended and supplemented, 16 U.S.C. 669g-1) is amended by deleting the word "Act," the first place it appears and inserting in lieu thereof: "Act, and hunter safety programs as provided by section 8(b) of this Act,".

16 USC 669g.

(b) Section 4(b) of the Act of September 2, 1937 (50 Stat. 918, as amended and supplemented, 16 U.S.C. 669c(b)) is further amended by striking the period at the end of the first sentence and adding: "and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues.".

SEC. 9. (a) Section 506 of the Education Amendments of 1972, Public Law 92-318 (86 Stat. 235) is further amended by inserting, "the Northern Marianas College", after "the College of Micronesia" in subsection (a).

7 USC 301 note.

(b) Section 5 of the Act of August 30, 1980, c. 841, 26 Stat. 417 (the Second Morill Act), as added by section 506(c) of Public Law 92-318 (86 Stat. 235) is amended by striking out "and Micronesia, and Guam" and inserting in lieu thereof "Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

7 USC 326a.

(c) Subsection (c) of section 1361 of Public Law 96-374 (94 Stat. 1367) is amended by striking out "American Samoa and in Micronesia" and inserting in lieu thereof "American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

7 USC 301 note.

(d) Section 22 of the Act of June 29, 1935, c. 388, 49 Stat. 439, as amended (7 U.S.C. 329), is further amended—

(1) by striking out "and Guam" wherever it appears and inserting in lieu thereof "Guam, and the Northern Mariana Islands";

(2) by striking out "$8,100,000" and inserting in lieu thereof "$8,250,000"; and

(3) by striking out "$4,360,000" and inserting in lieu thereof "$4,380,000".

(e) The first sentence of section 3(b)(2) of the Act of May 8, 1914, c. 79, 38 Stat. 372, as amended (7 U.S.C. 343), is further amended by striking out "and Guam" and inserting in lieu thereof "Guam, and the Northern Mariana Islands".

(f) Section 10 of the Act of May 8, 1914, c. 79, 38 Stat. 372, as added by section 1(i) of Public Law 87-749 (76 Stat. 745) and as amended (7 U.S.C. 349), is further amended to read as follows: "The term 'State' means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.".

Grants.
48 USC 1681 note.

SEC. 10. The Act of March 24, 1976 (Public Law 94-241; 90 Stat. 263), is amended by adding the following new sections at the end thereof:

"SEC. 3. Pursuant to section 701 of the foregoing Covenant, enactment of this section shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $228 million at guaranteed annual amounts of direct grant assistance for the Government of the Northern Mariana Islands for an additional period of seven fiscal years after the expiration of the initial seven-year period specified in section 702 of said Covenant, which assistance shall be provided according to the schedule of payments contained in the Agreement of the Special Representatives on Future United States Financial Assistance for the Government of the Northern Mariana Islands, executed July 10, 1985, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands. The islands of Rota and Tinian shall each receive no less than a ⅛ share and the island of Saipan shall receive no less than a ¼ share of annualized capital improvement project funds, which shall be no less than 80 per centum of the capital development funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives. Funds shall be granted according to such regulations as are applicable to such grants.

Rota.
Tinian.
Saipan.

100 STAT. 841

48 USC 1681 note.

"SEC. 4. (a) Section 704(c) of the foregoing Covenant shall not apply to the Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 3 of this Act.

Ante, p. 840.
Grants.

"(b) Upon the expiration of the period of Federal financial assistance which is provided to the Government of the Northern Mariana Islands pursuant to section 3 of this Act, payments of direct grant assistance shall continue at the annual level provided for the last fiscal year of the additional period of seven fiscal years until Congress otherwise provides by law.

48 USC 1681 note.

"SEC. 5. Should the Secretary of the Interior believe that the performance standards of the agreement identified in section 3 of this Act are not being met, he shall notify the Government of the Northern Mariana Islands in writing with the intent to resolve such issue in a mutually agreeable and expeditious manner and notify the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Should the issue not be resolved within thirty days after the notification is received by the Government of the Northern Mariana Islands, the Secretary of the Interior may request authority from Congress to withhold payment of an appropriate amount of the operations funds identified in the schedule of payments in paragraph 2 of part II of the Agreement of the Special Representatives for a period of less than one year but no funds shall be withheld except by Act of Congress.".

Wages.
51 FR 22517, 25525.

SEC 11. The final rule of June 18, 1986, amending part 697 of title 29 of the Code of Federal Regulations shall have no effect. The minimum rates of wages paid to the employees in American Samoa shall be those in effect July 1, 1986, until new rates are established by another industry committee acting pursuant to the Fair Labor Standards Act of 1938.

29 USC 201 *et seq.*

Grants.
48 USC 1469a note.
48 USC 1469a.

SEC. 12. (a) In awarding assistance grants, consolidated under the provisions of title V of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts related thereto, and for other purposes" (91 Stat. 1159, as amended), to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands or the Virgin Islands, the Administrator of the Environmental Protection Agency may, in his discretion, adjust or otherwise modify maintenance or level of effort requirements.

Grants.
Waste disposal.
Water.
Health and medical care.
33 USC 1281 note.
33 USC 1281.

(b) In awarding grants to the Trust Territory of the Pacific Islands, American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands under section 201(g)(1) of the Clean Water Act (33 U.S.C. 1251 et seq.), the Administrator of the Environmental Protection Agency may waive limitations regarding grant eligibility for sewerage facilities and related appurtenances, insofar as such limitations relate to collector sewers, based upon a determination that applying such limitations could hinder the alleviation of threats to public health and water quality. In making such a determination, the Administrator shall take into consideration the public health and water quality benefits to be derived and the availability of alternate funding sources. The Administrator shall not award grants under this section for the operation and maintenance of sewerage facilities, for construction of facilities which are not an essential component of the sewerage facilities, or any other activities or facilities which are not concerned with the management of wastewater to alleviate threats to public health and water quality.

100 STAT. 842

48 USC 1421g.

SEC. 13. (a) Section 29 of the Organic Act of Guam (64 Stat. 392) as amended, is further amended—

(1) by striking "at such places" and all thereafter in subsection (b) and inserting in lieu thereof "according to the laws of Guam."; and

(2) by adding the following new subsection at the end thereof:

"(c) The Government of Guam may by law establish an Office of Public Prosecutor and an Office of Public Auditor. The Public Prosecutor and Public Auditor may be removed as provided by the laws of Guam.".

Aliens.

SEC. 14. (a) Subsection (l) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended to read as follows:

"(l)(1) The requirement of paragraph (26)(B) of subsection (a) of this section may be waived by the Attorney General, the Secretary of State, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Secretary of State, and the Secretary of the Interior, after consultation with the Governor of Guam, jointly determine that—

"(A) an adequate arrival and departure control system has been developed on Guam, and

Defense and national security.

"(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

"(2) An alien may not be provided a waiver under this subsection unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(3) If adequate appropriated funds to carry out this subsection are not otherwise available, the Attorney General is authorized to accept from the Government of Guam such funds as may be tendered to cover all or any part of the cost of administration and enforcement of this subsection.

Regulations.
8 USC 1182 note.

"(b) After consultation with the Secretary of State, the Secretary of the Interior, and the Governor of Guam and within ninety days after the date of the enactment of this Act, the Attorney General shall issue regulations governing the admission, detention, and travel of nonimmigrant aliens pursuant to the visa waiver authorized by the amendment made by subsection (a).

Reports.
8 USC 1182 note.
Supra.

"(c) Each year the Attorney General shall submit a report on the implementation of section 212(l) of the Immigration and Nationality Act to the Committees on the Judiciary and Interior and Insular Affairs of the House of Representatives and the Committees on the Judiciary and Energy and Natural Resources of the Senate.".

Nationals.

SEC. 15. (a) Section 308 of the Immigration and Nationality Act (8 U.S.C. 1408) is amended by adding at the end the following new paragraph:

"(4) A person born outside the United States and its outlying possessions of parents one of whom is an alien, and the other a national, but not a citizen, of the United States who, prior to the

100 STAT. 843

birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than seven years in any continuous period of ten years—

"(A) during which the national parent was not outside the United States or its outlying possessions for a continuous period of more than one year, and

"(B) at least five years of which were after attaining the age of fourteen years.

8 USC 1401.

The proviso of section 301(g) shall apply to the national parent under this paragraph in the same manner as it applies to the citizen parent under that section.".

8 USC 1408 note.

(b) The amendment made by subsection (a) shall apply to persons born before, on, or after the date of the enactment of this Act. In the case of a person born before the date of the enactment of this Act—

(1) the status of a national of the United States shall not be considered to be conferred upon the person until the date the person establishes to the satisfaction of the Secretary of State that the person meets the requirements of section 308(4) of the Immigration and Nationality Act, and

Ante, p. 842.
Elections.

(2) the person shall not be eligible to vote in any general election in American Samoa earlier than January 1, 1987.

SEC. 16. (a) Section 341 of the Immigration and Nationality Act (8 U.S.C. 1452) is amended—

(1) in the heading, by inserting "OR U.S. NON-CITIZEN NATIONAL STATUS" after "CITIZENSHIP",

(2) by inserting "(a)" after "Sec. 341.", and

(3) by adding at the end the following new subsection:

"(b) A person who claims to be a national, but not a citizen, of the United States may apply to the Secretary of State for a certificate of non-citizen national status. Upon—

"(1) proof to the satisfaction of the Secretary of State that the applicant is a national, but not a citizen, of the United States, and

"(2) in the case of such a person born outside of the United States or its outlying possessions, taking and subscribing, before an immigration officer within the United States or its outlying possessions, to the oath of allegiance required by this Act of a petitioner for naturalization,

the individual shall be furnished by the Secretary of State with a certificate of non-citizen national status, but only if the individual is at the time within the United States or its outlying possessions.".

(b) The item in the table of contents of such Act relating to section 341 is amended to read as follows:

"Sec. 341. Certificates of citizenship or U.S. non-citizen national status; procedure.".

8 USC 1452 note.

(c) The Secretary of State may not impose a fee exceeding $35 for the processing of an application for a certificate of non-citizen national status under section 341(b) of the Immigration and Nationality Act filed before the end of fiscal year 1987.

Texas.

Sec. 17. The Act of June 12, 1906 (34 Stat. 259, 43 U.S.C. 391), is amended by inserting a comma after "State of Texas" and adding "American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands.".

48 USC 1422c.

Sec. 18. (a) Section 9(a) of the Organic Act of Guam (64 Stat. 387) is amended by adding the following new sentence at the end thereof: "The Government of Guam may by law establish a Civil Service Commission to administer the merit system. Members of the commission may be removed as provided by the laws of Guam.".

100 STAT. 844

Appropriation authorization.

Sec. 19. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Puerto Rico.
48 USC 1421 note.
48 USC 1469a-1.
Ante, p. 840.
48 USC 731 note.
48 USC 1541 note.

(b) Pursuant to the terms of the Organic Act of Guam (64 Stat. 384), as amended; the Joint resolution to Approve the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (90 Stat. 263), as amended; the Puerto Rican Federal Relations Act (64 Stat. 319), as amended and supplemented; and the Revised Organic Act of the Virgin Islands (86 Stat. 497), as amended and supplemented and an Act to authorize appropriations for certain insular areas of the United States, and for other purposes (92 Stat. 487), as amended; there shall be paid into the treasuries of Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands respectively the full amounts which are to be covered into the treasuries of said islands or paid pursuant to said laws as amended and supplemented and such amounts shall not be reduced, notwithstanding Public Law 99-177, Public Law 99-366, or any other provision of law.

99 Stat. 1037;
ante, p. 773.
48 USC 1681 note.
Micronesia
Marshall Islands.

Sec. 20. (a) Section 105(b)(2) of Public Law 99-239 is amended to read as follows:

"(2) Except for programs or services provided by or through other federal agencies or officials to the Federated States of Micronesia or the Republic of the Marshall Islands, or for which residents thereof are eligible pursuant to the Compact or any other provision of this joint resolution, appropriations made pursuant to the Compact or any other provision of this joint resolution may be made only to the Secretary of the Interior. The Secretary of the Interior shall coordinate and monitor any programs or activities, including such activities for which funding is made directly to such other agencies, provided to the Federated States of Micronesia or the Republic of the Marshall Islands by agencies of the Government of the United States and related economic development planning pursuant to the Compact or pursuant to any other authorization except for the provisions of sections 161(e), 313, and 351 of the Compact and the authorization of the President to agree to an effective date pursuant to this resolution. Funds appropriated to the Secretary of the Interior pursuant to this paragraph shall not be allocated to other Departments or agencies, except that the Secretary of the Interior shall be able to reimburse Departments or agencies for purposes authorized by this joint resolution.".

99 Stat. 1807, 1822, 1825.

48 USC 1681 note.
99 Stat. 1791, 1799.
16 USC 470.
99 Stat. 1791.

(b) The programs and services specified in section 105(h)(1), sections 105(i) (1) and (2), section 111(a), the services of the National Health Service Corps pursuant to section 105(k), and the Technical Assistance and National Historic Preservation Act grants pursuant to section 105(l), of Public Law 99-239 shall be provided on a nonreimbursable basis.

SEC. 21. (a) Section 373 of title 28, United States Code, is amended to read as follows:

Retirement.

"§ 373. Judges in territories and possessions

"(a) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who retires from office after attaining the age and meeting the service requirements whether continuous or otherwise, of subsection (b) shall, during the remainder of his lifetime, receive an annuity equal to the salary he is receiving at the time he retires.

100 STAT. 845

"(b) The age and service requirements for retirement under subsection (a) of this section are as follows:

"Attained age:	Years of service:
65	15
66	14
67	13
68	12
69	11
70	10

"(c)(1) Any judge or former judge who is receiving an annuity pursuant to this section may elect to become a senior judge of the court upon which he served before retiring.

"(2) The chief judge of a judicial circuit may recall any such senior judge, with the judge's consent, to perform, for the court from which he retired, such judicial duties for such periods of time as the chief judge may specify.

"(3) Any act or failure to act by a senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall have the same force and effect as if it were an act or failure to act of a judge on active duty; but such senior judge shall not be counted as a judge of the court on which he is serving as a recalled annuitant for purposes of the number of judgeships authorized for that court.

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under subsection (a) of this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.

"(5) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall at all times be governed by the code of judicial conduct for United States judges approved by the Judicial Conference of the United States.

"(d) Any judge who elects to become a senior judge under subsection (c) of this section and who thereafter—

"(1) accepts civil office or employment under the Government of the United States (other than the performance of judicial duties pursuant to recall under subsection (c) of this section);

"(2) engages in the practice of law; or

"(3) materially violates the code of judicial conduct for United States judges,

shall cease to be a senior judge and to be eligible for recall pursuant to subsection (c) of this section.

"(e) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is removed by the President of the United States upon the sole ground of mental or physical disability, or who is not reappointed (as judge of such court), shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if he is then beyond the age of sixty-five years, (1) if his judicial service, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of his life an annuity equal to the salary he received when he left office, or (2) if his judicial service, continuous or otherwise, aggregated less than fifteen years but not less than ten years, to receive during the remainder of his life an annuity equal to that proportion of such salary which the aggregate number of his years of his judicial service bears to fifteen.

Handicapped persons.

"(f) Service at any time as a judge of the courts referred to in subsection (a) or of any other court of the United States, as defined by section 451 of this title, shall be included in the computation of aggregate years of judicial service for purposes of this section.

28 USC 451.

"(g) Any retired judge who is entitled to receive an annuity under subsection (a) shall be entitled to a cost of living adjustment in the amount payable to him computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed 95 per centum of the salary of a United States district judge in regular active service.".

(b)(1) Subsection (a)(1)(B) of section 376 of title 28, United States Code, is amended to read as follows:

"(B) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;".

(2) Subsection (a)(2)(B) of section 376 of title 28, United States Code, is amended to read as follows:

"(B) in the case of a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands, (i) an annuity paid under subsection (a) of section 373 of this title or (ii) compensation paid under paragraph (4) of subsection (c) of section 373 of this title;".

Ante, p. 844.

(c) The amendments made by this section shall not affect the amount payable to a judge who retired in accordance with the provisions of section 373 of title 28, United States Code, in effect on the day before the date of enactment of this Act.

28 USC 373 note.

SEC. 22. (a) The first proviso of section 2(a)(2) of Public Law 94-204 (89 Stat. 1146) as amended by section 1411(a) of Public Law 96-487 (94 Stat. 2498) is amended to read as follows: "*Provided*, That the interest on proceeds received prior to January 2, 1976, shall be calculated and paid at the rate of the earnings on Individual Indian Moneys in the custody of the Secretary of the Interior pursuant to sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9) and invested by him pursuant to the Act of June 24, 1938 (25 U.S.C. 162a), from the date of receipt to January 2, 1976. Effective January 2, 1976, the interest so calculated shall be added to the principal amount of such proceeds. The interest on this total amount and on proceeds received on or after January 2, 1976, shall be calculated and paid as though such proceeds and previously calculated interest had been deposited in the escrow account from January 2, 1976, or the date of receipt, whichever occurs later, to the date of payment to the affected Corporation.".

Indians.
Securities.
Corporations.
43 USC 1613 note.

(b) Section 2(e) of Public Law 94-204 (89 Stat. 1146) as added by section 1411(b) of Public Law 96-487 (94 Stat. 2498) is amended to read as follows:

43 USC 1613 note.

"(e) The Secretary shall calculate the amounts payable pursuant to this section and notify the affected Corporation of the results of his calculations. The affected Corporation shall have thirty days in which to appeal the Secretary's calculations after which the Secretary shall promptly make a final determination of the amounts payable. The Secretary shall certify such final determinations to the Secretary of the Treasury and each determination shall constitute a final judgment, award, or compromise settlement under section 1304 of title 31 of the United States Code. The Secretary of the Treasury is authorized and directed to pay such amounts to the appropriate Corporation out of funds in the Treasury: *Provided*, That if the lands from which the proceeds and interest entitlement are derived have not been conveyed to the selecting Native Corporation at the time the Secretary makes his final determination, the Secretary of the Treasury is authorized and directed to pay such amount into the escrow account where it will earn interest and be disbursed in the same manner as other proceeds and interest.".

Real property.

100 STAT. 847

Approved August 27, 1986.

LEGISLATIVE HISTORY—H.R. 2478:

HOUSE REPORTS: No. 99-116 and Pt. 2 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 99-236 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Dec. 3, considered and passed House.
Vol. 132 (1986): Apr. 24, considered and passed Senate, amended.
Aug. 1, House concurred in the Senate amendment No. 1, disagreed to Senate amendment No. 3, and concurred in other Senate amendments with amendments.
Aug. 9, Senate receded from its amendment No. 3 and agreed to House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
Aug. 27, Presidential statement.

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100 STAT. 955

Public Law 99-420
99th Congress

An Act

Sept. 25, 1986
[S. 720]

To establish a permanent boundary for the Acadia National Park in the State of Maine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Conservation.
Public information.
16 USC 341 note.

SEC. 101. BOUNDARIES OF ACADIA NATIONAL PARK.

In order to protect and conserve the land and water resources of Acadia National Park in the State of Maine (hereinafter in this title referred to as "the Park"), and to facilitate the administration of the Park, the boundary depicted on the map entitled "Acadia National Park Boundary Map", numbered 123-80011, and dated May 1986 (hereinafter in this title referred to as "the map") is hereby established as the permanent boundary for the Park. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and it shall be made available to the Registry of Deeds for Hancock and Knox Counties, Maine.

Gifts and property.
16 USC 341 note.

SEC. 102. LANDS WITHIN BOUNDARIES.

(a) The Secretary of the Interior (hereinafter in this title referred to as "the Secretary") is authorized to acquire lands and interests therein within the boundaries of the Park by donation, exchange (in accordance with this section), or purchase with donated or appropriated funds, except that—

(1) any lands or interests therein owned by the State of Maine

or any political subdivision thereof may be acquired only by donation or exchange; and

(2) privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the scenic, historical, cultural, and other values for which the Park was established.

(b)(1) Not later than 6 months after the enactment of this Act, the Secretary shall publish specific guidelines under which determinations shall be made under subsection (a)(2). The Secretary shall provide adequate opportunity for public comment on such guidelines. The guidelines shall provide for notice to the Secretary prior to commencement of any proposed development within the boundaries of the Park. The Secretary shall provide written notice to the owner of the property of any determination proposed to be made under subsection (a)(2) and shall provide the owner a reasonable opportunity to comment on such proposal.

(2) For purposes of this section, except as provided in paragraph (3), development or proposed development of private property within the boundaries of the Park that is significantly different from, or a significant expansion of, development existing as of November 1, 1985, shall be considered by the Secretary as detrimental to the values for which the Park was established.

100 STAT. 956

(3) Reconstruction or expansion of a private or commercial building shall not be treated as detrimental to the Park or as an incompatible development within the meaning of this section if such reconstruction or expansion is limited to one or more of the following:

(A) Reconstruction of an existing building.

(B) Construction of attached or accessory structural additions, which do not exceed 25 per centum of the square footage of the principal structure.

(C) Construction of reasonable support development such as roads, parking facilities, water and sewage systems, and dock facilities.

Real property.

(c)(1) The owners of any private property within the Park may, on the date of its acquisition by the Secretary and as a condition of such acquisition, retain for himself and his successors or assigns a right to use and occupancy for a definite term of not more than 25 years, or ending at the death of the owner, or his spouse, whichever is later. The owners shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value, of the right retained by the owner.

(2) Any such right retained pursuant to this subsection shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration of the Park or with the preservation of the resources therein. Such right shall terminate by operation of law upon notification to the owner by the Secretary and tendering to the owner the amount equal to the fair market value of that portion which remains unexpired.

(d)(1) In exercising his authority to acquire lands by exchange pursuant to this title, the Secretary may accept title to non-Federal property located within the the boundary of the Park and may convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which lies outside said boundary and depicted on the map. Properties so exchanged shall be approximately equal in value, as determined by the Secretary, except that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection which is not exchanged within 10 years after enactment of this Act, shall be conveyed to the towns in which the property is located without emcumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless, within 10 years after enactment of this Act, lands within the Park boundary and owned by the town have been acquired by the Secretary.

(e) Notwithstanding any other provision of this section, lands depicted on the map referenced in section 101 and identified as 10DBH and 11DBH known as the "Bar Harbor Sewage Treatment

100 STAT. 957

Plant"; 14DBH known as the "New Park Street Ballfield"; and 15DBH known as the "Former Park Headquarters"; shall be conveyed by the Secretary, without monetary consideration, to the town of Bar Harbor, Maine, within 180 days following the enactment of this Act. The real property conveyed pursuant to this subsection shall be used and retained by the town for municipal and public purposes. Title to the properties conveyed pursuant to this subsection shall revert to the United States if such property or any portion thereof is conveyed by the town to another party or used for purposes other than those specified in this subsection.

(f) Notwithstanding any other provision of this section, land depicted on the map identified as 4DBH, located in the village of Town Hill, Maine, shall be conveyed by the Secretary without monetary consideration, to the town of Bar Harbor, Maine, as soon as practicable following the enactment of this Act, subject to such terms and conditions, including appropriate reversionary provisions, as will in the judgment of the Secretary provide for the development and use of such property by any town which so desires as a solid waste transfer station in accordance with a plan that is satisfactory to the town and the Secretary. The Secretary shall (subject to the availability of prior appropriations) contribute toward the cost of constructing such transfer station the lesser of—

(1) $350,000, or

(2) 50 per centum of the cost of such construction.

(g) Notwithstanding any other provision of this section, the Secretary is authorized to acquire by donation or exchange lands or interests therein in the area identified on the map as "Schooner Head", which is outside the boundary of the park. The Secretary is further authorized to acquire conservation easements on such lands by purchase with donated or appropriated funds if he determines after written notice to the owner and after providing a reasonable opportunity to comment on such notice, that the property is being developed or proposed to be developed in a manner which is significantly different from or a significant expansion of development existing as of November 1, 1985, as defined in subsection (b) of this section.

Conservation.

(h)(1) The Secretary is authorized to acquire conservation easements by purchase from a willing seller or by donation on parcels of land adjacent to the Park on Schoodic Peninsula, the islands of Hancock County, and the islands of Knox County east and south of the Penobscot Ship Channel, except such islands as lie within the town of Isle au Haut, Knox County. Parcels subject to conservation easements acquired or accepted by the Secretary under this subsection must possess one or more of the following characteristics:

(A) important scenic, ecological, historic, archeological, or cultural resources;

(B) shorefront property; or

(C) largely undeveloped entire islands.

(2) Conservation easements acquired pursuant to this subsection shall—

(A) protect the respective scenic, ecological, historic, archeological, or cultural resources existing on the parcels;

(B) preserve, through setback requirements or other appropriate restrictions, the open, natural, or traditional appearance of the shorefront when viewed from the water or from other public viewpoints; or

(C) limit year-round and seasonal residential and commercial development to activities consistent with the preservation of the 100 STAT. 958 islands' natural qualities and to traditional resource-based land use including, but not limited to, fishing, farming, silviculture, and grazing.

(3) In determining whether to accept or acquire conservation easements pursuant to this subsection, the Secretary shall consider the following factors:

(A) the resource protection benefits that would be provided by the conservation easement;

(B) the public benefit that would be provided by the conservation easement;

(C) the significance of the easement in relation to the land planning objectives of local government and regional and State agencies;

(D) the economic impact of the conservation easement on local livelihoods, activities, and government revenues; and

(E) the proximity of the parcel to the boundary of the Park and to other parcels on which the Secretary maintains conservation easements.

(4) For purposes of this subsection, the term "conservation easement" means a less-than-fee interest in land or a conservation restriction as defined in section 476 through 479-B inclusive, as amended, of title 33 of the Maine Revised Statutes of 1964, as in effect on the date of the enactment of this Act.

(5) No easement may be acquired by the Secretary under this subsection without first consulting with, and providing written notification to, the town in which the land is located and the Acadia National Park Advisory Commission established by section 103 of this title. In providing such notification, the Secretary shall indicate the manner and degree to which the easement meets the criteria provided in this subsection.

(i) Nothing in this section shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

(j)(1) Notwithstanding any other provision of this section, the Secretary shall accept an offer of the following from the Jackson Laboratory (a not-for-profit corporation organized under the laws of Maine):

(A) Lands depicted on the map as 55 A ABH which are held in fee by the Jackson Laboratory.

(B) A conservation easement on lands depicted on the map identified as 55 ABH (the developed property known as "Highseas"). The easement shall prohibit subdivision of such land or any further significant development on such lands, except as permitted by the guidelines published under section 102(b)(1).

(2) Upon receipt of the lands and easement described in paragraph (1), the Secretary shall transfer to the Jackson Laboratory the lands depicted on the map as 8 DBH and 9 DBH. Any disparity in the fair market value of the lands and easement referred to in paragraph (1) and the lands described in the preceding sentence shall be equalized as provided in section 102(d)(1).

(k) For purposes of subsection (a)(2), the construction of one single family residence on Burnt Porcupine Island by the owner of the Island shall not be treated as detrimental to the scenic, historic, cultural, or other values for which the park was established if, before such construction commences, the Secretary has reviewed and approved plans for the size, location and architectural design of the structure.

16 USC 341 note.

SEC. 103. ADVISORY COMMISSION.

(a) There is hereby established an Acadia National Park Advisory Commission (hereinafter referred to as "the Commission"). The Commission shall be composed of 16 members appointed by the Secretary as follows:

(1) 3 members at large.

(2) 3 members appointed from among individuals recommended by the Governor of Maine.

(3) 4 members, appointed from among individuals recommended by each of the four towns on the island of Mount Desert.

(4) 3 members appointed from among individuals recommended by each of the three Hancock County mainland communities of Gouldsboro, Winter Harbor, and Trenton.

(5) 3 members, appointed from among individuals recommended by each of the three island towns of Cranberry Isles, Swans Island, and Frenchboro.

(b) The terms of the Commission members shall be 3 years except that, for initial appointments under each paragraph, one member shall serve for a term of one year, and one member shall serve for a term of 2 years.

(c) The Commission shall elect its own chairman and adopt its own bylaws. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation as such, except that the Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this title.

(e) The Secretary shall consult with the Commission on matters relating to the management and development of the Park, including but not limited to each of the following:

(1) The acquisition of lands and interests in lands (including conservation easements on islands).

(2) Termination of rights of use and occupancy.

(f) The Commission established under this section shall terminate 20 years after the enactment of this Act.

16 USC 341 note.

SEC. 104. BEAR ISLAND.

(a) Notwithstanding any other provision of law, Federal property located on Bear Island in the town of Cranberry Isle shall, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of the title. Such Federal property shall not be developed by the Secretary in a manner which would provide for or encourage intensive visitor use.

(b) The Secretary is authorized to make improvements to the Federal property on Bear Island as he deems appropriate for the protection of adjacent private property.

16 USC 341 note.

SEC. 105. TOWN OF ISLE AU HAUT.

The provisions of this title shall not apply to those portions of the Park lying within the Town of Isle au Haut, Maine, which lands shall continue to be governed by the provisions of Public Law 97-335.

16 USC 341 note.

16 USC 341 note.
Effective date.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) Effective October 1, 1986, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, but not to exceed $9,100,000 for acquisition of lands and interests therein.

(b) For the purposes of paragraph 7(a)(3) of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 460l-9), the

statutory ceiling provided in subsection (a) shall be deemed to have been enacted prior to the convening of the Ninety-fifth Congress.

SEC. 107. PAYMENTS TO LOCAL GOVERNMENTS.

16 USC 341 note.

31 USC 6904.

(a) Notwithstanding the limitation in subsection 3(d) of the Act of October 20, 1976 (90 Stat. 2662) payments in the manner provided in section 3 of that Act shall be made to the appropriate units of local government having jurisdiction over lands with the boundary of the Park. Such payments shall be made only for a period of 12 years.

(b) Payments received by the units of local government pursuant to this section shall be used only for fire protection, police protection, solid waste management, and road maintenance and improvement.

(c) Payments pursuant to this section may be made only from funds appropriated therefor. Such payments shall be in addition to and not in place of any other funds or form of Federal assistance to which the units of local government are entitled.

TITLE II

SEC. 201. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Section 8(a) of the Act of August 7, 1961 (Public Law 87-126; 75 Stat. 292) is amended by striking out "ten years" and substituting "30 years".

16 USC 459b-7.

Approved September 25, 1986.

LEGISLATIVE HISTORY—S. 720:

HOUSE REPORTS: No. 99-572 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 99-198 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Dec. 3, considered and passed Senate.
Vol. 132 (1986): May 5, considered and passed House, amended.
June 6, Senate concurred in House amendment with amendments.
July 24, House concurred in certain Senate amendments, in another with an amendment.
Sept. 11, Senate receded from its amendment.

Public Law 99-428
99th Congress

100 STAT. 982

An Act

To reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act.

Sept. 30, 1986
[S. 2095]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tribally Controlled Community College Assistance Amendments of 1986.
Education.
Indians.
25 USC 1801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribally Controlled Community College Assistance Amendments of 1986".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) Grant Programs.—Subsection (a) of section 110 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) by striking out "1985, 1986, and 1987" in paragraph (1) and inserting in lieu thereof "1987, 1988, 1989, and 1990", and

(2) by striking out "such fiscal years" in paragraphs (2) and (3) and inserting in lieu thereof "the fiscal years 1987, 1988, 1989, and 1990".

(b) Endowment Program.—Section 306 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1836) is amended by striking out "1985, 1986, and 1987" and inserting in lieu thereof "1987, 1988, 1989, and 1990".

SEC. 3. DEFINITIONS.

(a) Satisfactory Progress.—Subsection (a) of section 2 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by striking out "and" at the end of paragraph (6),

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(8) 'satisfactory progress toward a degree or certificate' has the meaning given to such term by the institution at which the student is enrolled.".

(b) Indian Student Count.—Subsection (b) of section 2 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) by striking out ", in accordance with the standards and practices of the appropriate accrediting agency or the institution at which the student is in attendance," in paragraph (5),

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) Credits earned by any student who has not obtained a high school degree or its equivalent shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. No credits earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count.".

SEC. 4. OPERATION AND IMPROVEMENT GRANTS.

Paragraph (2) of section 108(a) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808(a)(2)) is amended to read as follows:

"(2) $5,820,".

SEC. 5. CONTRACTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Subsection (b) of section 109 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1809(b)) is amended by adding at the end thereof the following new paragraph:

"(3) No tribally controlled community college for which a tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.".

SEC. 6. REPORT ON FACILITIES.

(a) In General.—Section 112 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1812) is amended—

(1) by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Secretary", and

(2) by striking out "enactment of this subsection" in subsection (a) and inserting in lieu thereof "enactment of the Tribally Controlled Community College Assistance Amendments of 1986".

(b) CONFORMING AMENDMENT.—Section 113(a) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1813(a)) is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Secretary".

SEC. 7. NAVAJO COMMUNITY COLLEGE.

Section 5 of the Navajo Community College Act (25 U.S.C. 640c-1) is amended—

100 STAT. 984

(1) by striking out "the fiscal year beginning October 1, 1984, and for the three succeeding fiscal years" in subsection (a)(1) and inserting in lieu thereof "each of the fiscal years 1987, 1988, 1989, and 1990", and

(2) by striking out "for any fiscal year" in subsection (b)(1) and inserting in lieu thereof "for each fiscal year".

Approved September 30, 1986.

LEGISLATIVE HISTORY—S. 2095:

SENATE REPORTS: No. 99-324 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
June 25, considered and passed Senate.
Sept. 16, considered and passed House.

Public Law 99-469
99th Congress

100 STAT. 1195

An Act

To provide for the settlement of certain claims of the Papago Tribe of Arizona arising from the construction of Tat Momolikot Dam, and for other purposes.

Oct. 14, 1986
[H.R. 4217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tohono O'odham Tat Momolikot Dam Settlement Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Tohono O'odham Tat Momolikot Dam Settlement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) it is the policy of the United States to settle, wherever possible, the land claims of Indian tribes without costly and lengthy litigation;

(2) Tat Momolikot Dam was constructed in 1974 by the Corps of Engineers, Department of the Army, on lands belonging to the Tohono O'odham Indians to provide off-reservation flood protection to Pinal County, Arizona, and water conservation for the tribe;

(3) the O'odham agreed to grant appropriate rights to approximately five thousand three hundred and twenty-four acres of land for the Tat Momolikot project on condition that the United States provide certain water conservation, irrigation, fish and wildlife and other benefits to the tribe;

(4) the United States has failed to provide those benefits;

(5) as a result, the United States has failed to acquire appro-

priate rights to the lands required for the construction of the dam and its reservoir;

(6) the claims of the O'odham for damages for the use of tribal land by the United States without authorization by the tribe or compensation to it are the subject of prospective lawsuits against the United States;

(7) it is in the long-term interest of the United States and the Tohono O'odham Indians to provide a fair and equitable settlement of the claims of the O'odham for the injuries they have sustained;

(8) the settlement contained in this Act will—

(A) provide fair and equitable compensation and other valuable considerations to the Tohono O'odham Indians and the former residents of Tat Momoli village; and

(B) secure for the United States appropriate rights for Tat Momolikot Dam and its reservoir.

DEFINITIONS

100 STAT. 1196

SEC. 3. For the purposes of this Act, the term—

(1) "tribe" means the Tohono O'odham Nation, formerly known as the Papago Tribe of Arizona, organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 478);

25 USC 476.

(2) "Secretary" means the Secretary of the Interior; unless otherwise specified; and

(3) "Tat Momolikot Dam" means the dam constructed by the Corps of Engineers, Department of the Army, on Santa Rosa Wash in the Sif Oidak District of the Sells Papago Reservation.

PAYMENTS TO TRIBE; LIMITS ON SECRETARY'S LIABILITY

SEC. 4. (a) If the tribe executes the waiver and release referred to in section 6(a)(1) and the grant of rights referred to in section 6(a)(2), the Secretary of the Treasury shall pay to the authorized governing body of the tribe the sum of $6,000,000 for the benefit of the tribe, together with interest accruing on such sum from the date of enactment of this Act at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on Federal obligations of comparable maturity.

Securities.
Community development.

(b) The tribe shall invest sums received under this section in interest bearing deposits and securities until expended. The authorized governing body of the tribe may spend the principal and interest and dividends accruing on such sums for economic and community development and other tribal purposes: *Provided*, That the sum of $100,000 shall be distributed by the tribe, on a fair and equitable basis, among those six individuals who were heads of households residing at Tat Momoli village in 1969 and owned improvements at said village, or among their heirs. No portion of the funds received under subsection (a) shall be used for per capita payments.

(c) The Secretary shall not be responsible for the review, approval or audit of the moneys referred to in this section, nor shall the Secretary be subject to liability for any claim or cause of action arising from the Tribe's use and expenditure of such moneys.

AUTHORIZATION OF APPROPRIATIONS

Effective date.

SEC. 5. Effective October 1, 1987, there are authorized to be appropriated such sums as are necessary to carry out the purposes of section 4 of this Act.

WAIVER AND RELEASE OF CLAIMS

SEC. 6. (a) The Secretary shall be required to carry out his obligations under this Act only if, within one year after the date of enactment of this Act, the Papago Tribe executes—

(1) a waiver and release in a manner satisfactory to the

Secretary of any and all claims arising from the use of tribal land in connection with the construction of Tat Momolikot Dam and its reservoir prior to the date of enactment of this Act; and

(2) a grant of appropriate rights for said dam and reservoir.

(b) The waiver and release referred to in subsection (a)(1) and the grant of appropriate rights referred to in subsection (a)(2) shall not take effect until such time as the funds authorized to be paid to the Tribe have been appropriated and the payments referred to in section 4 have been made.

Effective date.

100 STAT. 1197

HAZARD REDUCTION

Animals.

SEC. 7. Within two years after the date of enactment of this Act, the Secretary shall construct such fences and cattleguards in the immediate vicinity of Tat Momolikot Dam and its reservoir as may be necessary to protect livestock.

COMPLIANCE WITH BUDGET ACT

Effective date.

SEC. 8. No authority under this title to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1987.

Approved October 14, 1986.

LEGISLATIVE HISTORY—H.R. 4217:

HOUSE REPORTS: No. 99-852 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Sept. 23, considered and passed House.
Oct. 1, considered and passed Senate.

Public Law 99-473
99th Congress

100 STAT. 1212

An Act

To authorize appropriations for the American Folklife Center for fiscal years 1987, 1988, and 1989, and for other purposes.

Oct. 16, 1986
[H.R. 4545]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(a) of the American Folklife Preservation Act (20 U.S.C. 2107(a)) is amended—

(1) by striking out "(a)";

(2) by striking out "and" after "1985,"; and

(3) by inserting after "1986" the following: ", $867,900 for the fiscal year ending September 30, 1987, $919,974 for the fiscal year ending September 30, 1988, and $975,172 for the fiscal year ending September 30, 1989".

SEC. 2. Section 8(b) of the American Folklife Preservation Act (20 U.S.C. 2107(b)) is repealed.

Approved October 16, 1986.

LEGISLATIVE HISTORY—H.R. 4545:

HOUSE REPORTS: No. 99-800 (Comm. on House Administration).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Sept. 16, considered and passed House.
Oct. 3, considered and passed Senate.

100 STAT. 1798

Public Law 99-503
99th Congress

An Act

Oct. 20, 1986
[H.R. 4216]

To provide for the replacement of certain lands within the Gila Bend Indian Reservation, and for other purposes.

Gila Bend Indian Reservation Lands Replacement Act.
Public lands.
Agriculture and agricultural commodities.
Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Gila Bend Indian Reservation Lands Replacement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that:

96 Stat. 1282.

(1) Section 308 of Public Law 97-293 authorizes the Secretary of the Interior to exchange certain agricultural lands of the Gila Bend Indian Reservation, Arizona, for public lands suitable for farming.

(2) An examination of public lands within a one-hundred-mile radius of the reservation disclosed that those which might be suitable for agriculture would require substantial Federal outlays for construction of irrigation systems, roads, education and health facilities.

(3) The lack of an appropriate land base severely retards the economic self-sufficiency of the O'odham people of the Gila Bend Indian Reservation, contributes to their high unemployment and acute health problems, and results in chronic high costs for Federal services and transfer payments.

(4) This Act will facilitate replacement of reservation lands with lands suitable for sustained economic use which is not principally farming and do not require Federal outlays for construction, and promote the economic self-sufficiency of the O'odham Indian people.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term:

(1) "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521, et seq.).

(2) "Tribe" means the Tohono O'odham Nation, formerly known as the Papago Tribe of Arizona, organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476).

(3) "Secretary" means the Secretary of the Interior.

(4) "San Lucy District" means the political subdivision of the Tohono O'odham Nation exercising governmental functions on the Gila Bend Indian Reservation.

100 STAT. 1799

ASSIGNMENT OF TRIBAL LANDS; RETAINED RIGHTS

SEC. 4. (a) If the tribe assigns to the United States all right, title, and interest of the Tribe in nine thousand eight hundred and eighty acres of land within the Gila Bend Indian Reservation, the Secretary of the Interior shall pay to the authorized governing body of the Tribe the sum of $30,000,000—$10,000,000 in fiscal year 1988, $10,000,000 in fiscal year 1989 and $10,000,000 in fiscal year 1990—together with interest accruing from the date of enactment of this Act at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, to be used for the benefit of the San Lucy District. The Secretary shall accept any assignment under this subsection.

Hunting.
Fish and fishing.

(b) The Tribe shall be permitted to continue to hunt, fish, and gather on any lands assigned to the United States under subsection (a) of this section so long as such lands remain in Federal ownership.

Water.

(c) With respect to any lands of the Gila Bend Indian Reservation which the Tribe does not assign to the United States, the Tribe shall have the right to withdraw ground water therefrom from wells having a capacity of less than thirty-five gallons per minute and which are used only for domestic purposes.

AUTHORIZATION OF APPROPRIATIONS

Effective date.

SEC. 5. Effective October 1, 1987 there is authorized to be appropriated such sums as may be necessary to carry out the purposes of section 4.

USE OF SETTLEMENT FUNDS; ACQUISITION OF LANDS

Securities.
Water.
Community development.

SEC. 6. (a) The Tribe shall invest sums received under section 4 in interest bearing deposits and securities until expended. The authorized governing body of the Tribe may spend the principal and the interest and dividends accruing on such sums on behalf of the San Lucy District for land and water rights acquisition, economic and community development, and relocation costs. Such income may be used by the Tribe for planning and administration related to land and water rights acquisition, economic and community development and relocation for the San Lucy District.

Claims.

(b) The Secretary shall not be responsible for the review, approval or audit of the use and expenditure of the moneys referred to in this section, nor shall the Secretary be subject to liability for any claim or cause of action arising from the Tribe's use and expenditure of such moneys. No portion of such moneys shall be used for per capita payments to any members of the Tribe.

Claims.

(c) The Tribe is authorized to acquire by purchase private lands in an amount not to exceed, in the aggregate, nine thousand eight hundred and eighty acres. The Tribe and the United States shall be forever barred from asserting any and all claims for reserved water rights with respect to any land acquired pursuant to this subsection.

(d) The Secretary, at the request of the Tribe, shall hold in trust for the benefit of the Tribe any land which the Tribe acquires pursuant to subsection (c) which meets the requirements of this subsection. Any land which the Secretary holds in trust shall be deemed to be a Federal Indian Reservation for all purposes. Land does not meet the requirements of this subsection if it is outside the counties of Maricopa, Pinal, and Pima, Arizona, or within the corporate limits of any city or town. Land meets the requirements of this subsection only if it constitutes not more than three separate areas consisting of contiguous tracts, at least one of which areas shall be contiguous to San Lucy Village. The Secretary may waive the requirements set forth in the preceding sentence if he determines that additional areas are appropriate.

100 STAT. 1800

State and local governments.

(e) The Secretary shall establish a water management plan for any land which is held in trust under subsection (c) which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as any management plan developed under Arizona law.

REAL PROPERTY TAXES

SEC. 7. (a) With respect to any private land acquired by the Tribe under section 6 and held in trust by the Secretary, the Secretary shall make payments to the State of Arizona and its political subdivisions in lieu of real property taxes.

Contracts.

(b) The Secretary is authorized to enter into agreements with the State of Arizona and its political subdivisions pursuant to which the Secretary may satisfy the obligation under subsection (a), in whole or in part, through the transfer of public land under his jurisdiction or interests therein, including land within the Gila Bend Indian Reservation or interests therein.

WATER DELIVERY

Contracts.

SEC. 8. If the tribe acquires rights to the use of any water by purchase, rental, or exchange within the State of Arizona, the Secretary, at the request of the Tribe, shall deliver such water, at no cost to the United States, through the main project works of the Central Arizona Project to any land acquired under section 5(c), if, in the judgment of the Secretary, sufficient canal capacity exists to convey such water: *Provided,* That deliveries of such water shall not displace deliveries of Central Arizona Project water. The rate charged to the tribe for water delivery shall be the same as that charged by the Central Arizona Water Conservation District pursuant to contracts entered into pursuant to the Colorado River Basin Project Act (43 U.S.C. 1521, et seq.). Nothing in this section shall be deemed to obligate the Secretary to construct any water delivery system.

WAIVER AND RELEASE OF CLAIMS; EFFECTIVE DATE

Water.

SEC. 9. (a) The Secretary shall be required to carry out the obligations of this Act only if within one year after the enactment of this Act the Tribe executes a waiver and release in a manner satisfactory to the Secretary of any and all claims of water rights or injuries to land or water rights (including rights to both surface and ground water) with respect to the lands of the Gila Bend Indian Reservation from time immemorial to the date of the execution by the Tribe of such a waiver.

(b) Nothing in this section shall be construed as a waiver or release by the Tribe of any claim where such claim arises under this Act.

(c) The assignment referred to in section 4 and the waiver and release referred to in this section shall not take effect until such time as the full amount authorized to be appropriated in section 4 has been appropriated by the Congress and paid to the Tribe.

100 STAT. 1801

COMPLIANCE WITH BUDGET ACT

Contracts.
Effective date.

SEC. 10. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1987.

Approved October 20, 1986.

LEGISLATIVE HISTORY—H.R. 4216:

HOUSE REPORTS: No. 99-851 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Sept. 23, considered and passed House.
Oct. 1, considered and passed Senate.

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100 STAT. 3149

Public Law 99-561
99th Congress

An Act

Oct. 27, 1986
[S. 1352]

To enhance the carrying out of fish and wildlife conservation and natural resource management programs on military reservations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.—(a) Subsections (b) and (c) of section 106 of the Sikes Act (16 U.S.C. 670f (b) and (c)) are each amended by striking out "and 1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,".

(b) Subsections (a) and (b) of section 209 of the Sikes Act (16 U.S.C. 670o (a) and (b)) are each amended by striking out "and 1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,". 16 USC 670o.

SEC. 2. NATURAL RESOURCES AND FISH AND WILDLIFE MANAGEMENT ON MILITARY RESERVATIONS; REPORT ON MILITARY EXPENDITURES FOR FISH AND WILDLIFE MANAGEMENT.

16 USC 670a-1.

(a) NATURAL RESOURCES MANAGEMENT.—The Secretary of each military department shall manage the natural resources of each military reservation within the United States that is under the jurisdiction of the Secretary—

(1) so as to provide for sustained multipurpose uses of those resources; and

(2) to provide the public access that is necessary or appropriate for those uses;

to the extent that those uses and that access are not inconsistent with the military mission of the reservation.

(b) FISH AND WILDLIFE MANAGEMENT SERVICES.—The Secretary of each military department shall ensure, to the extent feasible, that the services necessary for the development, implementation, and enforcement of fish and wildlife management on each military reservation within the United States under the jurisdiction of the Secretary are provided by the Department of Defense personnel who have professional training in those services.

(c) FISH AND WILDLIFE MANAGEMENT REPORT.—The Secretary of each military department shall submit to each House of the Congress, before the close of the 180-day period occurring after the close of fiscal year 1986, a detailed report setting forth the amount and purpose of all expenditures made during fiscal year 1986 for fish and wildlife management on each military reservation in the United States under the jurisdiction of the Secretary.

(d) DEFINITIONS.—As used in this section—

(1) The term "military department" means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

(2) The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

District of Columbia. Puerto Rico.

100 STAT. 3150

SEC. 3. SIKES ACT AMENDMENTS.

(a) COOPERATIVE PLANS.—(1) Section 101 of the Act of September 15, 1960 (commonly referred to as the "Sikes Act"; 16 U.S.C. 670a) is amended to read as follows:

"SEC. 101. (a) The Secretary of Defense is authorized to carry out a program of planning for, and the development, maintenance, and coordination of, wildlife, fish, and game conservation and rehabilitation in each military reservation in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designated by the State in which the reservation is located.

State and local governments.

"(b) Each cooperative plan entered into under subsection (a)—

"(1) shall provide for—

"(A) fish and wildlife habitat improvements or modifications,

"(B) range rehabilitation where necessary for support of wildlife,

"(C) control of off-road vehicle traffic, and

"(D) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered;

"(2) must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years;

"(3) shall, if a multiuse natural resources management plan is applicable to the military reservation, be treated as the exclusive component of that management plan with respect to wildlife, fish, and game conservation and rehabilitation; and

"(4) may stipulate the issuance of special State hunting and fishing permits to individuals and require payment of nominal fees therefor, which fees shall be utilized for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan; except that—

"(A) the Commanding Officer of the reservation or persons designated by that Officer are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides, and

"(B) the fees collected under this paragraph may not be expended with respect to other than the military reservation on which collected.

"(c) After a cooperative plan is agreed to under subsection (a)—

"(1) no sale of land, or forest products from land, that is within a military reservation covered by that plan may be made under section 2665 (a) or (b) of title 10, United States Code; and

"(2) no leasing of land that is within the reservation may be made under section 2667 of such title 10;

unless the effects of that sale or leasing are compatible with the purposes of the plan.

"(d) With regard to the implementation and enforcement of cooperative plans agreed to under subsection (a)—

"(1) neither Office of Management and Budget Circular A-76 nor any successor circular thereto applies to the procurement of services that are necessary for that implementation and enforcement; and

Contracts.

"(2) priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agencies having responsibility for the conservation or management of fish or wildlife.

16 USC 670b.

"(e) Cooperative plans agreed to under the authority of this section and section 102 shall not be deemed to be, nor treated as, cooperative agreements to which the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) applies.".

Contracts.
16 USC 670a note.

(2) Subsection (d)(1) of such section 101 (as added by paragraph (1)) shall not affect any contract entered into before the date of the enactment of this Act for the provision of services to implement or enforce a cooperative plan under this Act on any military installation; but shall apply to the renewal, after such date of enactment, of any such contract.

(b) FUNDS COLLECTED UNDER PLANS.—Subsection (a) of section 106 of the Sikes Act (16 U.S.C. 670f(a)) is amended by adding at the end thereof the following new sentence: "All funds that are so collected shall remain available until expended.".

SEC. 4. FOREST PRODUCTS ON MILITARY RESERVATIONS.

Section 2665 of title 10, United States Code, is amended as follows:

(1) Subsection (d) is amended—

(A) by striking out "available for operation and maintenance during a fiscal year";

(B) by striking out "expenses" and inserting in lieu thereof "costs"; and

(C) by striking out "during such fiscal year".

(2) Subsection (e)(1) is amended by striking out "for all expenses of production of forest products".

(3) Subsection (f) is amended—

(A) by striking out "expenses" in the matter preceding subparagraph (A) in paragraph (1) and inserting in lieu thereof "costs",

(B) by amending paragraph (1)(C) to read as follows:

"(C) for natural resources management that implements approved plans and agreements.", and

(C) by amending paragraphs (2) and (3) to read as follows:

Forests and forest products.

"(2) There shall be deposited into the reserve account the total amount received by the United States as proceeds from the sale of forest products sold under subsections (a) and (b) less—

"(A) reimbursements of appropriations made under subsection (d), and

"(B) payments made to States under subsection (e).

100 STAT. 3152

"(3) The reserve account may not exceed $4,000,000 on December 31 of any calendar year. Unobligated balances exceeding $4,000,000 on that date shall be deposited into the United States Treasury.".

Approved October 27, 1986.

LEGISLATIVE HISTORY—S. 1352 (H.R. 1202):

HOUSE REPORTS: No. 99-129, Pt. 1 (Comm. on Merchant Marine and Fisheries) and Pt. 2 (Comm. on Armed Services), both accompanying H.R. 1202.
CONGRESSIONAL RECORD:
Vol. 131 (1985): July 29, H.R. 1202 considered and passed House.
Vol. 132 (1986): Oct 3, S. 1352 considered and passed Senate.
Oct. 14, considered and passed House.

Public Law 99-583
99th Congress

100 STAT. 3318

An Act

Oct. 29, 1986
[H.R. 4037]

Relating to the Indiana Dunes National Lakeshore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National parks, monuments, etc.
Housing.
Real property.

SECTION 1. INDIANA DUNES NATIONAL LAKESHORE.

(a) Boundary Changes.—The first section of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u), is amended by striking out "December 1980, and bearing the number 626-91014" and inserting in lieu thereof "October 1986, and numbered 626-80,033-B".

16 USC 460u-3.

(b) Definition of Improved Property.—Section 4 of such Act is amended by striking out the first sentence and substituting "As used in this Act, the term 'improved property' means a detached, one-family dwelling which meets each of the following criteria:

"(1) The construction of the dwelling began before the date (shown in the table contained in this section) corresponding to the appropriate map.

"(2) The property is located within the boundaries delineated on the map described in such table which corresponds to such date.

"(3) The property is not located within the boundaries of any other map referred to in such table which bears an earlier date.

The term 'appropriate map', means a map identified as 'Boundary Map—Indiana Dunes National Lakeshore' (or 'A Proposed Indiana Dunes National Lakeshore' in the case of a dwelling the construction of which was begun before January 4, 1965) which is dated and numbered as provided in the following table.

Property Within Boundaries of Map	Construction Began Before
Dated October 1986, #626-80,033-B	February 1, 1986
Dated December 1980, #626-91014	January 1, 1981
Dated September 1976, #626-91007	February 1, 1973
Dated September 1966, #LNPNE-1008-ID	January 4, 1965

The term 'improved property' also includes the lands on which the dwelling is situated which meets both of the following criteria:

"(A) The land is in the same ownership as the dwelling.

"(B) The Secretary has designated the lands as reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Public information.

Such term also includes any structures accessory to the dwelling which are situated on the lands so designated. The maps referred to in this section shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior. The Secretary shall designate the land referred to in subparagraph (B).".

100 STAT. 3319

16 USC 460u-5.

(c) Retained Rights.—Section 5(a) of such Act (16 U.S.C. 460u-5a) is amended as follows:

Ante, p. 3318.

(1) Strike out "the first section" and insert in lieu thereof "section 4, dated December 1980, and numbered 626-91014."

(2) Strike out ": *Provided*, That" and substitute a period followed by "In the case of improved property within the boundaries of the map dated December 1980 and numbered 626-91014".

(3) After "(a)" strike "Except for" and insert "(1) Except for owners described in paragraph (2) and".

(4) Strike "(1)" in each place it appears and substitute "(A)" and strike "(2)" and substitute "(B)".

(5) Add the following at the end thereof:

"(2)(A) In the case of property included within the boundaries of the lakeshore after 1980, any owner or owners of record of improved property may retain a right of use and occupancy for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to extend beyond September 30, 2010, or such lesser fixed term as the owner or owners may elect at the time of acquisition.

"(ii) A term ending at the death of any owner or of a spouse of any owner, whichever occurs last.

The owner shall elect the term to be reserved.

"(B) The retention of rights under subparagraph (A) shall be available only to individuals who are homeowners of record as of July 1, 1986, who have attained the age of majority as of that date and who make a bona fide written offer not later than July 1, 1991, to sell to the Secretary.".

(d) Authorization.—Section 9 of such Act (16 U.S.C. 460u-9) is amended as follows:

(1) In the first sentence strike "$11,000,000" and insert in lieu thereof "$20,000,000".

Highways.

(2) Add after the last paragraph "In addition to any other sums authorized for the acquisition of lands and interests in lands pursuant to the provisions of this Act there are authorized to be appropriated an additional $3,500,000 to be used for such purposes. The Secretary shall conduct a feasibility study of establishing United States Highway 12 as the 'Indiana Dunes Parkway' under the jurisdiction of the National Park Service. The Secretary shall submit the results of such study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years after the enactment of this sentence. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.".

Energy.
16 USC 460u-16.

(e) Existing Property Rights.—Section 10 of such Act (16 U.S.C. 460u-16) is amended by inserting at the end thereof: "Nothing in this Act shall be construed to diminish the existing property rights of Northern Indiana Public Service Company (as of October 1, 1986) with respect to—

100 STAT. 3320

"(1) a parcel of land owned in fee by the Northern Indiana Public Service Company and used for high voltage electrical transmission lines, pipelines, and utility purposes, beginning at said Company's Dune Acres substation and extending east to said Company's Michigan City Generating Station, which parcel by this Act is included within the boundaries of the Indiana Dunes National Lakeshore and herein designated as area II-I on National Park Service Boundary Map No. 626-80,033-B, dated October 1986, excluding that certain parcel of approximately 6.0 acres adjacent Mineral Springs Road in areas II-I, and

(2) land owned in fee by the Northern Indiana Public Service Company and used for high voltage electrical transmission lines, pipelines, and utility purposes as has by this Act been included within the boundaries of the Indiana Dunes National Lakeshore and herein designated as area II-H on said National Park Service Boundary Map No. 626-80,033-B."

Ante, p. 3318.

(f) Owner Consent Required.—Section 13 of such Act (16 U.S.C. 460u-13) is amended by changing "Sec. 13." to "Sec. 13. (a)", by striking out "the first section" and inserting in lieu thereof "section 4, dated December 1980 and numbered 626-91014", and by adding a new subsection (b) as follows:

Ante, p. 3318.

"(b) The Secretary may acquire that portion of area IV-B in private ownership on the map referred to in section 1 of this Act only with the consent of the owner: *Provided*, That the Secretary may acquire an agricultural easement should the owner change the use in existence as of September 19, 1986, through eminent domain.".

(g) Map Reference.—Section 16 of such Act (16 U.S.C. 460u-16) is amended by inserting at the end of the first sentence "on the map referred to in section 4, dated October 1976, and numbered 626-9100".

16 USC 460u-15.

(h) Rights-of-Way.—Section 15 of such Act is amended by adding the following at the end thereof: "The Secretary may acquire only such interest in the rights-of-way designated 'Crossing B' and 'Crossing C' on the map dated October 1986 and numbered 626-80,033-B as he determines to be necessary to assure public access to the banks of the Little Calumet River and the banks of Salt Creek within fifty feet on either side of the centerline of said river and creek.".

(i) Cooperative Agreement and Study.—Add the following new section at the end of such Act:

16 USC 460u-24.
Contracts.

"SEC. 24. LITTLE CALUMET RIVER AND BURNS/PORTAGE WATERWAY.

Boating.
Canoeing.
Fish and fishing.
Hiking.
Bicycling.
16 USC 460u-6.

"(a) Cooperative Agreement.—The Secretary may enter into a cooperative agreement with the Little Calumet River Basin Development Commission, the State of Indiana or any political subdivision thereof for the planning, management, and interpretation of recreational facilities on the tract within the boundaries of Indiana Dunes National Lakeshore identified as tract numbered 09-177 or on lands under the jurisdiction of the State of Indiana or political subdivision thereof along the Little Calumet River and Burns Waterway. The cooperative agreement may include provision for the planning of public facilities for boating, canoeing, fishing, hiking, bicycling, and other compatible recreational activities. Any recreational developments on lands under the jurisdiction of the National Park Service planned pursuant to this cooperative agreement shall be in a manner consistent with the purposes of this Act, including section 6(b).

"(b) Study.—The Secretary shall conduct a study regarding the options available for linking the portions of the lakeshore which are divided by the Little Calumet River and Burns/Portage Waterway

100 STAT. 3321 so as to coordinate the management and recreational use of the lakeshore. The Secretary shall submit the results of the study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within two years after the enactment of this section. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the study.".

Effective date. Appropriation authorization.

Approved October 29, 1986.

LEGISLATIVE HISTORY—H.R. 4037:

HOUSE REPORTS: No. 99-762 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Aug. 11, considered and passed House.
Oct. 16, considered and passed Senate, amended.
Oct. 17, House concurred in Senate amendment.

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100 STAT. 3582

Public Law 99-645
99th Congress

An Act

Nov. 10, 1986
[S. 740]

To promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes.

Emergency Wetlands Resources Act of 1986.
16 USC 3901 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Wetlands Resources Act of 1986".

16 USC 3901.

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens of the Nation;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the migratory and resident fish and wildlife of the Nation; including migratory birds, endangered species, commercially and recreationally important finfish, shellfish and other aquatic organisms, and contain many unique species and communities of wild plants;

(3) the migratory bird treaty obligations of the Nation with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere require Federal protection of wetlands that are used by migratory birds for breeding, wintering or migration and needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(4) wetlands, and the fish, wildlife, and plants dependent on wetlands, provide significant recreational and commercial benefits, including—

(A) contributions to a commercial marine harvest valued at over $10,000,000,000 annually;

(B) support for a major portion of the Nation's multimillion dollar annual fur and hide harvest; and

(C) fishing, hunting, birdwatching, nature observation and other wetland-related recreational activities that generate billions of dollars annually;

(5) wetlands enhance the water quality and water supply of the Nation by serving as groundwater recharge areas, nutrient traps, and chemical sinks;

(6) wetlands provide a natural means of flood and erosion control by retaining water during periods of high runoff, thereby protecting against loss of life and property;

(7) wetlands constitute only a small percentage of the land area of the United States, are estimated to have been reduced by half in the contiguous States since the founding of our Nation, and continue to disappear by hundreds of thousands of acres each year;

(8) certain activities of the Federal Government have inappropriately altered or assisted in the alteration of wetlands, thereby unnecessarily stimulating and accelerating the loss of these valuable resources and the environmental and economic benefits that they provide; and

(9) the existing Federal, State, and private cooperation in wetlands conservation should be strengthened in order to minimize further losses of these valuable areas and to assure their management in the public interest for this and future generations.

International agreements.
Canada.
Mexico.
Japan.
Union of Soviet Socialist Republics.

(b) Purpose.—It is the purpose of this Act to promote, in concert with other Federal and State statutes and programs, the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions with Canada, Mexico, Japan, the Union of Soviet Socialist Republics, and with various countries in the Western Hemisphere by—

(1) intensifying cooperative efforts among private interests and local, State, and Federal governments for the management and conservation of wetlands; and

(2) intensifying efforts to protect the wetlands of the Nation through acquisition in fee, easements or other interests and methods by local, State, and Federal governments and the private sector.

16 USC 3902.

SEC. 3. DEFINITIONS.

For the purpose of this Act:

(1) The term "Committees" means the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate.

(2) The term "designated unit" means a unit of the National Wildlife Refuge System designated by the Secretary under section 201(a)(2).

(3) The term "hydric soil" means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(4) The term "hydrophytic vegetation" means a plant growing in—

(A) water; or

(B) a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(5) The term "wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support,

and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

100 STAT. 3584

TITLE I—EXTENSION OF WETLANDS LOAN ACT

SEC. 101. EXTENSION OF WETLANDS LOAN ACT.

(a) Availability of Appropriations.—The first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands, and for other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (16 U.S.C. 715k-3), is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1988".

(b) Repayment Provisions.—Section 3 of such Act (16 U.S.C. 715k-5) is amended by striking out the first three sentences.

National Wildlife Refuge System.

TITLE II—REVENUES FOR REFUGE OPERATIONS AND THE MIGRATORY BIRD CONSERVATION FUND

16 USC 3911.

SEC. 201. SALE OF ADMISSION PERMIT AT CERTAIN REFUGE UNITS.

(a) Sale of Admission Permits.—(1) Notwithstanding the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.), in order to provide additional revenues for the conservation of wetland resources of the Nation and for the operation and maintenance of refuges—

(A) the Secretary of the Interior may, at units of the National Wildlife Refuge System designated by the Secretary under paragraph (2)—

(i) charge fees for admission permits;

(ii) sell Golden Eagle passports and Golden Age passports;

(iii) issue at no charge lifetime admission permits as authorized in section 4(a)(5) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4—460l-11);

(B) the amounts collected by the Secretary as a result of the activities described in subparagraph (A) shall be distributed as provided in subsection (c).

(2) The Secretary shall designate a unit of the National Wildlife Refuge System for purposes of this Act if the Secretary determines, with respect to such unit, that—

(A) The level of visitation for recreational purposes is high enough to justify the collection of fees for admission permits for economic reasons.

(B) There is a practical mechanism in existence for implementing and operating a system of collecting fees for admission permits.

(C) Imposition of a fee for admission permits is not likely to result in undue economic hardship for a significant number of visitors to the unit.

(b) Exceptions.—(1) The Secretary may not require an admission permit under subsection (a)(1) for entry by a person into a designated unit if such person is the holder of—

(A) a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b) (commonly known as the Duck Stamp Act);

(B) a valid Golden Eagle Passport issued under section 4(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(a)(1));

(C) a valid Golden Age Passport issued under section 4(a)(4) of such Act; or

100 STAT. 3585

(D) a valid lifetime admission permit as authorized in section 4(a)(5) of such Act.

(2) Permits for a single visit to any designated unit shall be made available by the Secretary of the Interior for a reasonable fee, but not to exceed $3 for individuals or $7.50 per vehicle. For purposes of

this subsection, the term "single visit" means a more or less continuous stay within a designated unit by a person or group described in subsection (d). Payment of a single visit fee and issuance of a single visit permit shall authorize exits from and re-entries to a single designated unit for a period of from one to fifteen days. Such period shall be defined for each designated unit by the Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.

(3) Special admission permits for uses such as group activities may be issued in accordance with procedures and at fees established by the Secretary.

(4) A person may not be required to purchase an admission permit under subsection (a)(1) in order to travel by private noncommercial vehicle over any road or highway—

(A)(i) established as part of the National Federal Aid System (as defined in section 101 of title 23, United States Code); and

(ii) commonly used by the public as a means of travel between two places which are outside the designated unit; or

(B) to any land in which such person has a property interest if such land is within any designated unit.

(5) A person may not be required to purchase an admission permit under subsection (a)(1) for entrance or admission to a unit of the National Wildlife Refuge System created, expanded, or modified by Public Law 96-487.

16 USC 3101 note.

(c) Distribution of Amounts Collected.—Amounts collected from the sale of admission permits under this section and from fees collected at any unit of the National Wildlife Refuge System under subsections (b) and (c) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a (b), (c)) shall be distributed as follows:

(A) Thirty per centum shall be available to the Secretary of the Interior until expended. The Secretary shall use such amount—

(i) first, to defray the cost of collection;

(ii) next, for operation and maintenance of the collecting unit; and

(iii) next, for operation and maintenance of all units within the National Wildlife Refuge System, except those units created, expanded, or modified by Public Law 96-487.

(B) Seventy percent shall be deposited into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (16 U.S.C. 718d).

(d) Persons Accompanying Permittees.—A person who holds a stamp, passport, or permit described in subsection (b) shall be entitled to general entrance into any designated unit, along with—

(1) any persons accompanying such person in a single, private, noncommercial vehicle; or

(2) where entry to the area is by any means other than single, private, noncommercial vehicle, the person and any accompanying spouse, children, or parents.

(e) Restrictions.—A permit issued under this section is nontransferable. Such a permit may not authorize any uses for which fees are charged under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.). 100 STAT. 3586

(f) Establishment of Fees; Posting of Notices.—(1) All fees established pursuant to this section shall be fair and equitable. In establishing such fees, the Secretary shall consider the following:

(A) The direct and indirect cost to the Government.

(B) The benefits to the permit holder.

(C) The public policy or interest served.

(D) The comparable fees charged by non-Federal public agencies.

(E) The economic and administrative feasibility of fee collection and other pertinent factors.

(2) The Secretary shall require that notice that a fee has been established under this section—

(A) be prominently posted at each designated unit and at appropriate locations in each such unit; and

(B) to the extent practicable, be included in publications distributed at such units.

(g) VOLUNTEERS.—The Director of the United States Fish and Wildlife Service may accept services of volunteers to sell admission permits under this section or to sell Golden Eagle and Golden Age Passports or Migratory Bird Hunting and Conservation Stamps. The Director may use funds appropriated or otherwise made available to the Service to cover the cost of any surety bond that may be required of a volunteer performing the services authorized under this subsection.

SEC. 202. PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMP.

16 USC 718b.

Section 2(b) of the Act of March 16, 1934 (16 U.S.C. 718(b)), is amended in the first sentence—

(1) by striking out "$7.50" and inserting in lieu thereof "$10.00";

(2) by striking out "any hunting year" and inserting in lieu thereof "hunting years 1987 and 1988, $12.50 for hunting years 1989 and 1990, and $15.00 for each hunting year thereafter,"; and

(3) by inserting "available for obligation and" before "attributable".

16 USC 3912.

SEC. 203. TRANSFERS TO MIGRATORY BIRD CONSERVATION FUND.

19 USC 1202.

Notwithstanding any other provision of law, an amount equal to the amount of all import duties collected on arms and ammunition, as specified in subpart A of part 5 of schedule 7 of the Tariff Schedules of the United States, shall, beginning with the next fiscal year quarter after the date of enactment of this Act, be paid quarterly into the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (16 U.S.C. 718d).

TITLE III—STATE AND FEDERAL WETLAND ACQUISITION

16 USC 3921.
State and local governments.

SEC. 301. NATIONAL WETLANDS PRIORITY CONSERVATION PLAN.

(a) IN GENERAL.—The Secretary shall establish, and periodically review and revise, a national wetlands priority conservation plan which shall specify, on a region-by-region basis or other basis considered appropriate by the Secretary, the types of wetlands and interests in wetlands which should be given priority with respect to Federal and State acquisition.

(b) CONSULTATION.—The Secretary shall establish the plan required by subsection (a) after consultation with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Commerce;

(3) the Secretary of Agriculture; and

(4) (the chief executive officer of) each State.

State and local governments.

(c) FACTORS TO BE CONSIDERED.—The Secretary, in establishing the plan required by subsection (a), shall consider—

(1) the estimated proportion remaining of the respective types of wetlands which existed at the time of European settlement;

(2) the estimated current rate of loss and the threat of future losses of the respective types of wetlands; and

(3) the contributions of the respective types of wetlands to—

(A) wildlife, including endangered and threatened species, migratory birds, and resident species;

Fish and fishing.
Water.
Flood control.

(B) commercial and sport fisheries;

(C) surface and ground water quality and quantity, and flood control;

(D) outdoor recreation; and

(E) other areas or concerns the Secretary considers appropriate.

SEC. 302. REMOVAL OF RESTRICTION ON ACQUISITION.

Section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(a)(1)) is amended by striking out "national wildlife refuge areas under section 7(a)(5) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(5)) except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715–715s)" and inserting in lieu thereof "national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742(f)(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986".

SEC. 303. INCLUSION OF WETLANDS IN COMPREHENSIVE STATEWIDE OUTDOOR RECREATION PLANS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended—

(1) in subsection (d), by adding at the end thereof the following new paragraph:

"For fiscal year 1988 and thereafter each comprehensive statewide outdoor recreation plan shall specifically address wetlands within that State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director of the National Park Service, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act or, if such national plan has not been completed, consistent with the provisions of that section";

100 STAT. 3588

(2) in subsection (e)(1), by inserting, in the first sentence thereof, after "For the acquisition of land, waters, or interests in land or waters" the following: ", or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan"; and

(3) in subsection (f)(3), by adding at the end thereof the following: ": *Provided*, That wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

SEC. 304. FEDERAL ACQUISITION.

16 USC 3922.

The Secretary is authorized to purchase wetlands or interests in wetlands, which are not acquired under the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715–715s), consistent with the wetlands priority conservation plan established under section 301.

SEC. 305. RESTRICTION ON USE OF EMINENT DOMAIN IN ACQUISITIONS.

16 USC 3923.
Farms and farming.

The powers of condemnation or eminent domain shall not be used in the acquisition of wetlands under any provision of this Act where such wetlands have been constructed for the purpose of farming or ranching, or result from conservation activities associated with farming or ranching.

TITLE IV—WETLANDS INVENTORY AND TREND ANALYSIS

SEC. 401. NATIONAL WETLANDS INVENTORY PROJECT.

16 USC 3931.

(a) In General.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall continue the National Wetlands Inventory Project and shall—

(1) produce, by September 30, 1988, National Wetlands Inventory maps for the areas that have been identified by the Service as top priorities for mapping, including—

(A) the entire coastal zone of the United States;

(B) floodplains of major rivers; and

(C) the Prairie Pothole region;

(2) produce, by September 30, 1998, National Wetlands Inventory maps for those portions of the contiguous United States for which final maps have not been produced earlier;

Alaska.

(3) produce, as soon as practicable, National Wetlands Inventory maps for Alaska and other noncontiguous portions of the United States; and

Reports.

(4) produce, by September 30, 1990, and at ten-year intervals thereafter, reports to update and improve the information contained in the report dated September 1982 and entitled "Status and Trends of Wetlands and Deepwater Habitat in the Coterminous United States, 1950's to 1970's".

State and local governments.

(b) Notice.—The Secretary shall notify the appropriate State and local units of government at such time as he proposes to begin map preparation under subsection (a) in an area. Such notice shall include, but is not limited to, the identification of the area to be mapped, the proposed schedule for completion, and the identification of a source for further information.

100 STAT. 3589

16 USC 3932.

SEC. 402. REPORTS TO CONGRESS.

(a) In General.—The Secretary, in consultation and cooperation with the Secretary of Agriculture, shall prepare and submit to the committees—

(1) by March 30, 1987, a report regarding the status, condition, and trends of wetlands in the lower Mississippi alluvial plain and the prairie pothole regions of the United States; and

(2) by September 30, 1987, a report regarding trends of wetlands in all other areas of the United States.

(b) Contents of Reports.—The reports required under subsection (a) shall contain—

(1) an analysis of the factors responsible for wetlands destruction, degradation, protection and enhancement;

Taxes.

(2) a compilation and analysis of Federal statutory and regulatory mechanisms, including expenditures, financial assistance, and tax provisions which—

(A) induce wetlands destruction or degradation; or

(B) protect or enhance wetlands;

(3) a compilation and analysis of Federal expenditures resulting from wetlands destruction, degradation, protection or enhancement;

(4) an analysis of public and private patterns of ownership of wetlands;

(5) an analysis of the environmental and economic impact of eliminating or restricting future Federal expenditures and financial assistance, whether direct or indirect, which have the effect of encouraging the destruction, degradation, protection or enhancement of wetlands, including—

(A) public works expenditures;

Loans.

(B) assistance programs such as price support programs, commodity loans and purchase programs and disaster assistance programs;

(C) soil conservation programs; and

Taxes.

(D) certain income tax provisions;

Taxes.

(6) an analysis of the environmental and economic impact of failure to restrict future Federal expenditures, financial assistance, and tax provisions which have the effect of encouraging the destruction, degradation, protection or enhancement of wetlands, including—

Agriculture and agricultural commodities.

(A) assistance for normal silviculture activity (such as plowing, seeding, planting, cultivating, minor drainage, or harvesting for the production of fiber or forest products);

Forests and forest products.

(B) Federal expenditures required incident to studies, evaluations, design, construction, operation, maintenance, or rehabilitation of Federal water resource development activities, including channel improvements;

Loans. Agriculture and agricultural commodities.

(C) the commodity loans and purchases program and cotton, feed grain, wheat, and rice production stabilization programs administered by the Department of Agriculture; and

Highways.

(D) Federal expenditures for the construction of publicly owned or publicly operated highways, roads, structures, or facilities that are essential links in a larger network or system; and

State and local governments.

(7) recommendations for the conservation of wetlands resources based on an evaluation and comparison of all management alternatives, and combinations of management alternatives, such as State and local actions, Federal actions, and initiatives by private organizations and individuals.

100 STAT. 3590

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. MIGRATORY BIRD TREATY ACT.

16 USC 668dd note.

Section 6(b) of the Act of July 3, 1918 (16 U.S.C. 707(b)) is amended by deleting "shall" the first place it appears therein and by inserting in lieu thereof "shall knowingly".

SEC. 502. BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE.

(a) Purposes of Refuge.—The purposes of the Bayou Sauvage Urban National Wildlife Refuge are—

(1) to enhance the populations of migratory, shore, and wading birds within the refuge;

(2) to encourage natural diversity of fish and wildlife species within the refuge;

(3) to protect the endangered and threatened species and otherwise to provide for the conservation and management of fish and wildlife within the refuge;

(4) to fulfill the international treaty obligations of the United States respecting fish and wildlife;

(5) to protect the archeological resources of the refuge;

(6) to provide opportunities for scientific research and environmental education, with emphasis being given to the ecological and other values of wetlands; and

(7) to provide opportunities for fish and wildlife oriented public uses and recreation in an urban setting.

(b) Acquisition and Establishment of Refuge.—

Louisiana.

(1) Acquisition.—Within four years after the effective date of this section the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall acquire the approximately nineteen thousand acres of lands and waters, and interests therein, located in Orleans Parish, Louisiana, that are depicted on the map entitled "Bayou Sauvage Urban National Wildlife Refuge", dated September 15, 1986, and on file at the United States Fish and Wildlife Service, Department of the Interior. The lands and waters, and interests therein, acquired under this paragraph comprise the Bayou Sauvage Urban National Wildlife Refuge. The acquisition shall be made through donation, purchase with donated or appropriated funds, or exchange, or through any combination of the foregoing.

Federal Register, publication.

(2) ESTABLISHMENT.—At such time as sufficient lands and waters, and interests therein, have been acquired under paragraph (1) to constitute an initial area that can be administered to carry out the purposes set forth in subsection (a), the Secretary shall establish the Bayou Sauvage Urban National Wildlife Refuge by publication of notice to that effect in the Federal Register.

(3) BOUNDARY ADJUSTMENTS.—The Secretary may make such adjustments with respect to the boundary of the Bayou Sauvage Urban National Wildlife Refuge as may be necessary to facilitate the acquisition of lands and waters, and interests therein, for the refuge and to facilitate the administration of the refuge.

(c) ADMINISTRATION OF REFUGE.—The Secretary shall administer

100 STAT. 3591

all lands and waters, and interests therein, acquired under subsection (b) in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) to carry out the purposes set forth in subsection (a). The Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive environmental education as he considers appropriate to carry out such purposes. Within two years after the effective date of this section, the Secretary shall complete a master plan for the development of the Bayou Sauvage Urban National Wildlife Refuge.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior—

(1) from funds not otherwise appropriated from the Land and Water Conservation Fund, such sums as may be necessary for the acquisition of lands and waters, and interests therein, for the Bayou Sauvage Urban National Wildlife Refuge; and

(2) $5,000,000 for the development of the refuge.

The moneys appropriated under subparagraphs (1) and (2) shall remain available until expended.

(e) EFFECTIVE DATE.—This section takes effect on the later of the date of enactment of this Act or October 1, 1986.

Approved November 10, 1986.

LEGISLATIVE HISTORY—S. 740 (H.R. 1203):

HOUSE REPORTS: No. 99-86, Pt. 1 accompanying H.R. 1203 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 99-445 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Oct. 3, considered and passed Senate.
Oct. 14, considered and passed House.

Public Law 99-647
99th Congress

100 STAT. 3625

An Act

To establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

Nov. 10, 1986
[S. 1374]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF NATIONAL HERITAGE CORRIDOR

Conservation. Cultural programs. Public lands. Historic preservation. 16 USC 46 note.

SECTION 1. That for the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways and structures within the Blackstone River Valley in the States of Massachusetts and Rhode Island there is hereby established the Blackstone River Valley National Heritage Corridor (hereafter in this Act referred to as the "Corridor"). It is the purpose of this Act to provide a management framework to assist the States of Massachusetts and Rhode Island and their units of local government in the development and implementation of integrated cultural, historical and land resource management programs in order to retain, enhance and interpret the significant values of the lands, waters and structures of the Corridor.

BOUNDARIES AND ADMINISTRATION

Public information. District of Columbia. Federal Register, publication.

SEC. 2. (a) BOUNDARIES.—The boundaries shall include those lands generally depicted on a map entitled Blackstone River Valley National Heritage Corridor, numbered BRV-80-80,000 and dated October 1986. The map shall be on file and available for public inspection in the office of the Department of the Interior in Washington, DC and the Massachusetts and Rhode Island Departments of Environmental Management. The Secretary of the Interior (hereafter referred to as the "Secretary") shall publish in the Federal Register, as soon as practical after the date of enactment of this Act a detailed description and map of the boundaries established under this subsection.

(b) ADMINISTRATION.—The Corridor shall be administered in accordance with the provisions of this Act.

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

State and local governments.

SEC. 3. (a) ESTABLISHMENT.—There is hereby established a commission to be known as the Blackstone River Valley National Heritage Corridor Commission (hereafter known as the "Commission") whose purpose shall be to assist Federal, State and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 2.

(b) MEMBERSHIP.—The Commission shall be composed of nineteen members appointed by the Secretary as follows:

100 STAT. 3626

(1) the Director of the National Park Service, ex officio, or a delegate;

(2) six individuals nominated by the Governors of Rhode Island and Massachusetts and appointed by the Secretary, who shall be the Department of Environmental Management Directors from Rhode Island and Massachusetts, the State Historic Preservation Officers from Massachusetts and Rhode Island, and the Department of Economic Development Directors from Massachusetts and Rhode Island;

(3) four representatives of local government from Massachusetts and four from Rhode Island nominated by the Governor of

their State and appointed by the Secretary, to represent the interests of local government; and

(4) two individuals, nominated by the Governor of Massachusetts and two individuals nominated by the Governor of Rhode Island appointed by the Secretary, to represent other interests each Governor deems appropriate.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) TERMS.—Members of the Commission shall be appointed for terms of three years.

(d) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission.

(f) QUORUM.—(1) Ten members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(3) The affirmative vote of not less than ten members of the Commission shall be required to approve the budget of the Commission.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or ten of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

STAFF OF THE COMMISSION

SEC. 4. (a) STAFF.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 5101 *et seq.*, 5331.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the States of Massachusetts and Rhode Island (and any political subdivision thereof) and may reimburse that State or political subdivision for those services.

POWERS OF COMMISSION

SEC. 5. (a) HEARINGS.—(1) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1954, any gift to the Commission shall be deemed to be a gift to the United States. 26 USC 170.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land managing agency, as

100 STAT. 3628

determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State of Massachusetts and the State of Rhode Island, with any political subdivision of each State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State of Massachusetts and the State of Rhode Island, such political subdivision, or such person which may affect the implementation of the plan.

(i) ADVISORY GROUPS.—The Commission may establish such advisory groups as the Commission deems necessary to ensure open communication with, and assistance from, the State of Massachusetts and the State of Rhode Island, political subdivisions of the State of Massachusetts and the State of Rhode Island, and interested persons.

DUTIES OF THE COMMISSION

State and local governments.

SEC. 6. (a) PREPARATION OF PLAN.—Within one year after the Commission conducts its first meeting, it shall submit a Cultural Heritage and Land Management Plan to the Secretary and the Governors of Massachusetts and Rhode Island for review and approval for ninety days. The plan shall be based on existing State

plans, but shall coordinate those plans and present a unified historic preservation and interpretation plan for the Corridor. The plan shall—

(1) provide an inventory which includes any property in the Corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural significance;

(2) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of all properties within the Corridor;

(3) develop an historic interpretation plan to interpret the history of the valley;

(4) contain policies for land use management which consider and detail the application of appropriate land and water management techniques, including but not limited to local zoning, use of easements and development of intergovernmental cooperative agreements, so as to protect the Corridor's historical, cultural, scenic and natural resources and enhance water quality of the Blackstone River in a manner consistent with supporting economic revitalization efforts;

(5) contain a coordination and consistency component which details the ways in which local, State and Federal programs may best be coordinated to promote the purposes of this Act; and

(6) contain a program for State and local government implementation of the plan.

(b) Approval of the Plan.—(1) No plan submitted to the Secretary under this section shall be approved unless the Secretary

100 STAT. 3629

finds that the plan, if implemented, would adequately protect the significant historical and cultural resources of the Corridor and consistent with such protection provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor.

(2) In determining whether or not to approve the Plan, the Secretary shall consider whether:

(A) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the plan;

(B) he has received adequate assurances from appropriate State officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the plan and such program will ensure effective implementation of the State and local aspects of the plan.

(3) If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons therefore and shall indicate any recommendations for revisions. Following completion of any necessary revisions to the plan, the Secretary shall have forty-five days to either approve or disapprove the plan.

(c) Implementation of the Plan.—(1) After review and approval of the plan by the Secretary and the Governors of Massachusetts and Rhode Island as provided in subsections (a) and (b) the Commission shall give priority to actions which assist in—

(A) preserving and interpreting the historic resources of the valley;

(B) completing State and local parks in the Corridor; and

(C) supporting public and private efforts in economic revitalization consistent with the goals of the Cultural Heritage Plan.

State and local governments.

(2) Priority actions to be carried out under paragraph (1) shall include—

(A) assisting the States in appropriate preservation treatment of the Blackstone Canal;

(B) assisting the States in designing, establishing, and maintaining visitor centers and other interpretive exhibits in the Corridor;

(C) encouraging private landowners adjacent to the canal or river to retain or reestablish, where possible, vegetative, or other buffers as specified in the State park plans;

(D) assisting in the enhancement of public awareness of an appreciation for the historical and architectural and geological resources and sites in the Corridor;

(E) assisting the State or any local government or any nonprofit organization in the restoration of any historic building in the Corridor;

(F) encouraging, by appropriate means, enhanced economic and industrial development in the Corridor consistent with the goals of the plan;

(G) encouraging local governments to adopt land use policies consistent with the goals of the State park and the plan and to take actions to implement those policies; and

(H) ensuring that clear, consistent signs identifying access points and sites of interest is put in place.

TERMINATION OF COMMISSION

SEC. 7. (a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring five years after the date of the enactment of this Act.

(b) EXTENSION.—The Commission may be extended for a period of not more than five years beginning on the day referred to in subsection (a) if, not later than one hundred and eighty days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purpose of this Act;

(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate; and

(3) the Governor of Massachusetts, the Governor of Rhode Island, and the Secretary each approve such extension.

DUTIES OF THE SECRETARY

SEC. 8. (a) PURPOSE.—To carry out the purpose of this Act, the Secretary shall assist the Commission in preparing the Cultural Heritage and Land Management Plan. Following approval of the plan as provided under section 6 (a) and (b) the Secretary shall assist the Commission to design and fabricate interpretive materials based on the plan including—

(A) guide brochures for exploring the heritage story of the valley by automobile, train, bicycle, boat, or foot;

(B) visitor displays (including video presentations) at several locations well distributed along the Corridor, including both indoor and outdoor displays; and

(C) a mobile display depicting the heritage story to be used in the park, public buildings, libraries, and schools.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon request of the Commission, provide technical assistance to the Commission in the preparation of the plan and for implementing the plan as set out in section 6(c).

DUTIES OF OTHER FEDERAL ENTITIES

SEC. 9. Any Federal entity conducting or supporting activities directly affecting the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the Corridor.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There is authorized to be appropriated annually to the Commission $250,000 for the next five fiscal years to carry out the purposes of this Act; except that the Federal contribution to the Commission shall not exceed 50 percent of the annual operating costs of the Commission.

100 STAT. 3631

Approved November 10, 1986.

LEGISLATIVE HISTORY—S. 1374:

SENATE REPORTS: No. 99-488 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
  Oct. 8, considered and passed Senate.
  Oct. 15, considered and passed House, amended.
  Oct. 17, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
  Nov. 10, Presidential statement.

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100 STAT. 3672

Public Law 99-658
99th Congress

Joint Resolution

Nov. 14, 1986
[H.J. Res. 626]

To approve the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes.

Trust Territory of the Pacific Islands.
Micronesia.
Marshall Islands.
International agreements.
61 Stat. 3301.
United Nations.
59 Stat. 1031.

Whereas the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the Trusteeship Agreement for the former Japanese Mandated Islands entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 18, 1947; and

Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of the Trust Territory toward self-government or independence as appropriate to the particular cicumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and

Whereas the United States, in response to the desires of the people of Palau expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted government, and in consideration of its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the people of Palau; and

Post, p. 3678.

Whereas these negotiations resulted in the "Compact of Free Association" between the United States and Palau which, together with its related agreements, was signed by the United States and by Palau on January 10, 1986; and

Whereas the Compact of Free Association received a favorable vote of a majority of the people of Palau voting in a United Nations-observed plebiscite conducted on February 21, 1986; and

Whereas the Supreme Court of Palau has ruled that the constitutional process of Palau for approval of the Compact of Free Association in accordance with section 411 of the Compact has not yet been completed; and

Whereas the President of Palau has requested the United States to complete the process of United States approval of the Compact of Free Association in accordance with section 411 of the Compact through enactment of an appropriate joint resolution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

48 USC 1681 note.

100 STAT. 3673

TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

APPROVAL OF COMPACT OF FREE ASSOCIATION

48 USC 1681 note.

SEC. 101. (a) APPROVAL.—The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of Palau is hereby approved, and Congress hereby consents to the agreements as set forth on pages 154 through 405 of House Document 99-193 of April 9, 1986 (hereafter in this joint resolution referred to as subsidiary or related agreements), as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

President of U.S.

(b) REFERENCE TO THE COMPACT.—Any reference in this joint resolution to the "Compact" shall be treated as a reference to the Compact of Free Association set forth in title II of this joint resolution.

(c) AMENDMENT, CHANGE, OR TERMINATION OF THE COMPACT AND CERTAIN AGREEMENTS.—(1) Mutual agreement by the Government of the United States as provided in the Compact which results in amendment, change, or termination of all or any part thereof shall be affected only by Act of Congress and no unilateral action by the Government of the United States provided for in the Compact, and having such result, may be effected other than by Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the Compact including, but not limited to, actions taken pursuant to sections 431, 432, 441, or 442;

(B) to any amendment, change, or termination in any agreement that may be concluded at any time between the Government of the United States and the Government of Palau regarding friendship, cooperation and mutual security concluded pursuant to sections 321 and 323 of the Compact referred to in section 462(h);

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact sections 175 and 221(a)(4), the terms of which are incorporated by reference into the Compact; and

(D) to the following subsidiary agreements, or portions thereof:

(i) Article II of the agreement referred to in section 462(a) of the Compact;

(ii) Article II of the agreement referred to in section 462(b) of the Compact;

(iii) Article II and Section 7 of Article X of the agreement referred to in section 462(f) of the Compact;

(iv) the agreement referred to in section 462(g) of the Compact;

(v) Articles II, III, IV, V, VI, and VII of the agreement referred to in section 462(h) of the Compact; and

(vi) Articles VI, XV, and XVII of the agreement referred to in section 462(i) of the Compact.

President of U.S.
Post, p. 3679.
100 STAT. 3674

(d) Effective Date.—(1) The authority of the President to agree to an effective date for the Compact of Free Association between the United States and Palau concurrently with termination of the Trusteeship shall be carried out in accordance with this section, and the Compact shall not take effect until after—

(A) The President has certified to the Congress that the Compact has been approved in accordance with Section 411 (a) and (b) of the Compact, and that there exists no legal impediment to the ability of the United States to carry out fully its responsibilities and to exercise its rights under Title Three of the Compact, as set forth in this Act, and

(B) enactment of a joint resolution which has been reported by the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Foreign Affairs and other appropriate Committees of the House of Representatives authorizing entry into force of the Compact, and

99 Stat. 1775.

(C) agreements have been concluded with Palau which satisfy the requirements of Section 102 of Public Law 99-239. For the purpose of this subsection the word "Palau" shall be substituted for "Federated States of Micronesia" whenever it appears in Section 102 of Public Law 99-239.

(2) Any agreement concluded with Palau pursuant to subparagraph 101(d)(1)(C) of this title and any agreement which would amend, change, or terminate any subsidiary agreement or related agreement, or portion thereof, as set forth in paragraph (4) of this subsection shall be submitted to the Congress. No such agreement shall take effect until after the expiration of 30 days after the date such agreement is so submitted (excluding days on which either House of Congress is not in session).

90 Stat. 765.

(3) No agreement described in paragraph (2) shall take effect if a joint resolution of disapproval is enacted during the period specified in paragraph (2). For the purpose of expediting the consideration of such a joint resolution, a motion to proceed to the consideration of any such joint resolution after it has been reported by an appropriate committee shall be treated as highly privileged in the House of Representatives. Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of Public Law 94-329.

(4) The subsidiary agreement of portions thereof referred to in paragraph (2) are as follows:

(A) Articles III and IV of the agreement referred to in section 462(b) of the Compact.

(B) Articles III, IV, V, VI, VII, VIII, IX, and X (except for section 7 thereof) of the agreement referred to in section 462(f) of the Compact.

(C) Articles IV, V, X, XIV, XVI, and XVIII of the agreement referred to in section 462(i) of the Compact.

(D) Articles II, V, VI, VII, and VIII of the agreement referred to in section 462(h) of the Compact.

(E) The agreement referred to in section 462(j) of the Compact.

President of U.S.

(5) No agreement between the United States and the Government of Palau which would amend, change, or terminate any subsidiary or related agreement, or portion thereof, other than those set forth in subsection (d) of this section or paragraph (4) of this subsection, shall take effect until the President has transmitted such an agreement to the President of the Senate and the Speaker of the House of Representatives, together with an explanation of the agreement and the reasons therefor.

100 STAT. 3675

EXTENSION OF COMPACT OF FREE ASSOCIATION TO PALAU

48 USC 1681 note.

Sec. 102. (a) The interpretation of and United States Policy Regarding the Compact of Free Association set forth in section 104 of Public Law 99-239 shall apply to the Compact of Free Association with Palau.

(b) The provisions of section 105, except for subsection (i), section 106, section 110, and section 111 (a) and (d) of Public Law 99-239, as amended, shall apply to Palau in the same manner and to the same extent as such sections apply to the Marshall Islands.

REPEAL OF TITLE V OF THE COMPACT OF FREE ASSOCIATION ACT (PUBLIC LAW 99-239)

48 USC 1681 note.

SEC. 103. Title V of the Public Law 99-239 is repealed.

SUPPLEMENTAL PROVISIONS

48 USC 1681 note.

SEC. 104. (a) CIVIC ACTION TEAMS.—In recognition of the special development needs of Palau and the Marshall Islands, the United States shall make available United States military Civic Action Teams for use in Palau or the Marshall Islands under terms and conditions mutually agreed upon by the Government of the United States and the Governments of Palau or the Marshall Islands, as appropriate. The Government of Palau may use the amount of $250,000 annually from current account funds provided pursuant to section 211 of the Compact to defray expenditures attendant to the operation of the Civic Action Teams made available pursuant to this subsection. The Government of the Marshall Islands may use the amount of $250,000 annually from current account funds provided under section 211 of Title Two of the Compact of Free Association with the Marshall Islands to defray expenditures attendant to the operation of the Civic Action Teams made available pursuant to this subsection.

Post, p. 3687.

Historic preservation. Cultural programs.

(b) INVENTORY AND STUDY OF NATURAL, HISTORIC, AND OTHER RESOURCES.—The Secretary of the Interior shall conduct, upon request of Palau, the Federated States of Micronesia or the Marshall Islands, and through the Director of the National Park Service, a comprehensive inventory and study of the most unique and significant natural, historical, cultural, and recreational resources of Palau, the Federated States of Micronesia or the Marshall Islands. Areas or sites exhibiting such qualities shall be described and evaluated with the objective of the preservation of their values and their careful use and appreciation by the public, along with a determination of their potential for attracting tourism. Alternative methodologies for such preservation and use shall be developed for each area or site (including continued assistance from the National Park Service); current or impending damage or threats to the resources of such areas or sites shall be identified and evaluated; and authorities needed to properly protect and allow for public use and appreciation shall be identified and discussed. Such inventory and study shall be conducted in full cooperation and consultation with affected governmental officials and the interested public. A full report on such inventory and study shall be transmitted to Palau or the Federated States of Micronesia or the Marshall Islands, the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no later than two complete calendar years after the date of enactment of this joint resolution. The inventory and study shall also identify areas or sites which, if they were located in the United States, would qualify to be listed on the Registry of Natural Landmarks and the National Register of Historic Places.

Reports.

100 STAT. 3676

48 USC 1681 note.

(c) AUTHORIZATION FOR TRANSITION PURPOSES.—Section 105(c)(2) of Public Law 99-239 is amended by deleting "infrastructure." and inserting in lieu thereof "infrastructure, except that, for purposes of an orderly reduction of United States programs and services in the Federated States of Micronesia, the Marshall Islands, and Palau, United States programs or services not specifically authorized by the Compact of Free Association or by other provisions of law may continue but, unless reimbursed by the respective freely associated state, not in excess of the following amounts:

"(1) For fiscal year 1987, an amount not to exceed 75 per centum of the total amount appropriated for such programs for fiscal year 1986;

"(2) For fiscal year 1988, an amount not to exceed 50 per centum of the total amount appropriated for such programs for fiscal year 1986;

"(3) For fiscal year 1989, an amount not to exceed 25 per centum of the total amount appropriated for such programs for fiscal year 1986.".

Reports.

President of U.S.

(d) PELELIU AND ANGAUR.—Not later than one year after the date of enactment of this joint resolution, the Secretary of Agriculture, after appropriate studies conducted in consultation with the Government of Palau, shall report to the President and the Congress concerning the feasibility and cost of rehabilitating and restoring the fertility of the topsoil of the islands of Peleliu and Angaur. Upon the request of the Government of Palau, the President shall make the report of the Secretary of Agriculture available to the Government of Palau. Technical assistance to accomplish such rehabilitation and restoration, if feasible, may be provided to the Government of Palau on a nonreimbursable basis, subject to the availability of appropriated funds.

Contracts.
Energy.

(e) Neither the Secretary of the Treasury nor any other officer or agent of the United States shall pay or transfer any portion of the sums and amounts payable to the Government of Palau pursuant to this joint resolution to any party other than the Government of Palau. The provisions of section 174(a) of the Compact shall apply with respect to any action based on a contract or debt related to any electrical generating plant or related facilities entered into or incurred by Palau prior to the date of enactment of this joint resolution.

48 USC 1681 note.

99 Stat. 1037; *ante*, p. 773.

(f) Amounts appropriated to be paid pursuant to section 177 of Article I of Title One or Articles I and III of Title Two of the Compact of Free Association with the Federated States of Micronesia and the Marshall Islands, as set forth in Title II of the Compact of Free Association Act of 1985, or pursuant to section 103(h), 103(k), or 105(m) of such Act (Public Law 99-239), or pursuant to Article I of Title Two of the Compact with Palau, as set forth in Title II of this joint resolution, or section 104(*l*) of this joint resolution shall not be reduced, notwithstanding Public Law 99-177, Public Law 99-366, and other law enacted to implement Public Law 99-177, or any other provision of law.

100 STAT. 3677

Congress.

48 USC 1681 note.

President of U.S.

(g) The Congress reaffirms all of the understandings, interpretations, and policy statements contained in Public Law 99-239 (99 Stat. 1770). Congressional Resolution 4-60 adopted by the 4th Congress of the Federated States of Micronesia on March 26, 1986 and Resolution No. 62 adopted by the Nitijela of the Marshall Islands on February 18, 1986 do not exclude, limit or modify any provision of the Compact of Free Association as approved by the United States. To the extent that any understandings, interpretations, and policy statements contained in such Resolutions are inconsistent with the provisions of Public Law 99-239, the United States does not concur therein. The President shall take such steps, including but not limited to, communicating with the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands, as may be necessary to preserve all rights of the United States in connection with interpretation and implementation of such Public Law.

(h) ADDITIONAL PROVISIONS RELATING TO TITLE THREE OF THE COMPACT.—

Defense and national security.
Real property.

(1) The Government of the United States recognizes and respects the scarcity and special importance of land in Palau. In making any designation of land pursuant to section 322 of the Compact, the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only

the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy the requirement through public real property, where available, rather than through private real property.

(2) The Armed Forces of other nations invited to use military areas and facilities in Palau pursuant to section 312 of the Compact shall be permitted only as it is incident to the authority and under the control of the United States. The activities of such third country forces shall be subject to the same limitations and restrictions applicable to the authority of the United States under the terms of the Compact.

(3) The Government of the United States considers "Exclusive use" areas established for the United States pursuant to Title Three of the Compact to be "within the jurisdiction of Palau," as that term is used in section 324 of the Compact.

(i) Notwithstanding any other provision of law, funds appropriated for the Compact of Free Association, Public Law 99-239, or this joint resolution, in the act of making supplemental appropriations for fiscal year 1986, shall remain available until expended.

(j)(1) Section 4(c) of the Act of December 27, 1974 (88 Stat. 1784; 16 U.S.C. 460ff-3(c)) is amended by inserting "(1)" after "(c)" and by adding the following at the end thereof:

Ohio.
State and local governments.
Conservation.

"(2) The Secretary is authorized and directed, in cooperation with the Secretary of Agriculture, the State of Ohio, and affected local governments, to undertake a program of and treatment for the purpose of restoring suitable vegetative cover to substantially eliminate erosion from all lands, public and private, within the authorized boundaries of the recreation area. In the case of any private lands, within such authorized boundaries such treatment may be undertaken only with the consent of the owner thereof and shall be contingent upon assurances that such land treatment will be maintained by the owner for a period of not less than ten years. The Secretary shall, in conjunction with such program, take such actions as may be required to correct areas of ecological degradation which create hazards to health and safety.".

Environmental protection.
Safety.

(2) Section 6 of such Act (16 U.S.C. 460ff-5) is amended by adding the following at the end thereof:

Appropriation authorization.

"(c) There are hereby authorized to be appropriated not more than $500,000 for fiscal year 1986, $1,000,000 for fiscal year 1987, $1,500,000 for fiscal year 1988, and $1,750,000 for fiscal year 1989, to carry out the provisions of section 4(c)(2) of this Act. Any amounts authorized to be appropriated for any fiscal year under this subsection which are not appropriated for that fiscal year shall remain available for appropriation in succeeding fiscal years.".

Contracts.

Effective date.

(3) No authority under this subsection to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this subsection which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1985.

Reports.
Health and medical care.
Agriculture and agricultural commodities.

48 USC 1681 note.

(k) The Departments of Energy and Interior are directed to provide the Committees on Appropriations of the House and Senate with a report by December 1 of each fiscal year detailing how funds were spent during the previous fiscal year for the special medical care and logistical support program for Rongelap and Utrik and for the agriculture and food programs for Eniwetok and Bikini as referenced in Section 103(h) of Public Law 99-239. The report shall also specify the anticipated needs during the current and following fiscal years in order to meet the radiological health care and logistical support program for Rongelap and Utrik and the planting, agricultural maintenance, and food programs for Eniwetok and Bikini. It is the sense of the Congress that the special medical care and logistical support program for Rongelap and Utrik and for the agriculture and food programs for Eniwetok and Bikini described in section 103(h) of Public Law 99-239 represent special and continuing moral commitments of the United States which will be annually funded to the extent of the need of the populations of such atolls for such assistance.

TITLE II—COMPACT OF FREE ASSOCIATION

COMPACT OF FREE ASSOCIATION

48 USC 1681 note.

SEC. 201. Compact of Free Association is as follows:

COMPACT OF FREE ASSOCIATION

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PALAU

Human rights.

Affirming that their Governments and the relationship between their Governments are founded upon respect for human rights and fundamental freedoms for all, and

Affirming the common interests of the United States of America and the people of Palau in creating close and mutually beneficial relationships through a free and voluntary association of their Governments; and

100 STAT. 3679

Affirming the interest of the Government of the United States in promoting the economic advancement and self-sufficiency of the people of Palau; and

59 Stat. 1031.

Recognizing that their previous relationship has been based upon the International Trusteeship System of the United Nations Charter; and that pursuant to Article 76 of the Charter, the peoples of the Trust Territory have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they have, through their free-expressed wishes, adopted a Constitution appropriate to their particular circumstances; and

Recognizing their common desire to terminate the Trusteeship and establish a new government-to-government relationship in accordance with a new political status based on the freely-expressed wishes of the people of Palau and appropriate to their particular circumstances; and

Recognizing that the people of Palau have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitution and form of government and that the approval of the entry of their Government into this Compact of Free Association by the people of Palau constitutes an exercise of their sovereign right to self-determination;

NOW, THEREFORE, AGREE to enter into relationship of free association which provides a full measure of self-government for the people of Palau; and

FURTHER AGREE that the relationships of free association derives from and is as set forth in this Compact; and that, during such relationships of free association, the respective rights and responsibilities of the Government of the United States and the Government of the freely associated state of Palau in regard to this relationship of free association derives from and is as set forth in this Compact.

TITLE ONE

GOVERNMENT RELATIONS

Article I

Self-government

Section 111

The people of Palau, acting through their duly elected government established under their constitution, are self-governing.

Article II

Foreign Affairs

Section 121

International organizations.

(a) The Republic of Palau has the capacity to conduct foreign affairs in its own name and right, except as otherwise provided in this Compact and the Government of the United States recognizes that the Government of Palau, in the exercise of this capacity, may enter into, in its own name and right, treaties and other international agreements with governments and regional and international organizations.

(b) In the conduct of its foreign affairs the Government of Palau confirms that it shall act in accordance with principles of international law and shall settle its international disputes by peaceful means.

Section 122

International organizations.

The Government of the United States shall support application by the Government of Palau for membership or other participation in regional or international organizations as may be mutually agreed. The Government of the United States agrees to accept citizens of Palau for training and instruction at the United States Foreign Service Institute, established under 22 U.S.C. 4021, or similar training under terms and conditions to be mutually agreed.

Section 123

In recognition of the authority and responsibility of the Government of the United States under Title Three, the Government of Palau shall consult with the Government of the United States. The Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of Palau on matters which the Government of the United States regards as relating to or affecting the Government of Palau, and shall provide, on a regular basis, information on regional foreign policy matters.

Section 124

Conservation. Research and development. Maritime activities.

(a) The Government of Palau has authority to conduct its foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and nonliving resources from the sea, seabed or subsoil to the full extent recognized under international law.

(b) The Government of Palau has jurisdiction and sovereignty over its territory, including its land and internal waters, territorial seas, the airspace superjacent thereto only to the extent recognized under international law.

Section 125

Except as otherwise provided in this Compact or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as administering authority which have resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact are no longer assumed and enjoyed by the Government of the United States.

Section 126

The Government of the United States shall accept responsibility for those actions taken by the Government of Palau in the area of foreign affairs, only as may from time to time be expressly and mutually agreed.

Section 127

The Government of the United States may assist or act on behalf of the Government of Palau in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of Palau undertaken with the assistance or through the agency of the Government of the United States pursuant to this Section unless expressly agreed.

Section 128

At the request of the Government of Palau and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of Palau for travel outside of Palau, the Marshall Islands, the Federated States of Micronesia, the United States and its territories and possessions. 100 STAT. 3681

Article III

Communications

Section 131

(a) The Government of Palau has full authority and responsibility to regulate its domestic and foreign communications, and the Government of the United States shall provide communication assistance in accordance with the terms of a related agreement which shall come into effect simultaneously with this Compact, and such agreement shall remain in effect until such time as any election is made pursuant to Section 131(b) and which shall provide for the following:

(1) the Government of the United States remains the sole administration entitled to make notification to the International Frequency Registration Board of the International Telecommunications Union of frequency assignments to radio communications stations in Palau; and to submit to the International Frequency Registration Board seasonal schedules for the broadcasting stations in Palau in the bands allocated exclusively to the broadcasting service between 5,950 and 26,100 kHz and in any other additional frequency bands that may be allocated to use by high frequency broadcasting stations; and

(2) the United States Federal Communications Commission has jurisdiction, pursuant to the Communications Act of 1934, 47 U.S.C. 151 et seq., and the Communications Satellite Act of 1962, 47 U.S.C. 721 et seq., over all domestic and foreign communications services furnished by means of satellite earth terminal stations where such stations are owned or operated by United States common carriers and are located in Palau.

(b) The Government of Palau may elect at any time to undertake the functions enumerated in Section 131(a) and previously performed by the Government of the United States. Upon such election, the Government of the United States shall so notify the International Frequency Registration Board and shall take such other actions as may be necessary to transfer to the Government of Palau the notification authority referred to in Section 131(a) and all rights deriving from the previous exercise of any such notification authority by the Government of the United States.

Section 132

The Government of Palau shall permit the Government of the United States to operate telecommunications services in Palau to the extent necessary to fulfill the obligations of the Government of the United States under this Compact in accordance with the terms of related agreements which shall come into effect simultaneously with this Compact.

Article IV

Immigration

Section 141

(a) Any person in the following categories may enter into, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions without regard to paragraphs (14), (20), and (26) of section 212(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(a) (14), (20), and (26):

(1) a person who, on the day preceding the effective date of this Compact, is a citizen of Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become a citizen of Palau;

(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

(3) a naturalized citizen of Palau, who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

Such persons shall be considered to have the permission of the Attorney General of the United States to accept employment in the United States.

Discrimination, prohibition.

(b) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to nondiscriminatory limitations provided for:

(1) in statutes or regulations of the United States; or

(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

8 USC 1101 note.

(c) Section 141(a) does not confer on a citizen of Palau, the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Discrimination, prohibition.

Section 142

(a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in Palau, subject to the right of that Government to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in Palau only in accordance with the laws of Palau. This subsection is without prejudice to the right of the Government of Palau to regulate occupations in Palau in a nondiscriminatory manner.

(b) With respect to the subject matter of this Section, the Government of Palau shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.

Section 143

(a) The privileges set forth in Section 141 shall not apply to any person who takes an affirmative step to preserve or acquire a citizenship or nationality other than that of Palau.

(b) Every person having the privileges set forth in Sections 141 and 142 who possesses a citizenship or nationality other than that of Palau or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

100 STAT. 3683

Employment and unemployment.

Section 144

(a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of Palau, commences employment with that Government shall not be deprived of his United States nationality pursuant to Section 349 (a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481 (a)(2) and (a)(4).

(b) Upon such notification by the Government of Palau, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of Palau on the effective date of this Compact with respect to the positions held by them at that time.

Article V

Representation

Section 151

The Government of the United States and the Government of Palau may establish and maintain representative offices in the capitals of the other.

Section 152

(a) The premises of such representatives offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of intentional law to official communications of a diplomatic mission.

(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

Taxes.
Imports.
Exports.

(c) The sending Governments and their respective assets, income and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and representative offices.

100 STAT. 3684

(d) Persons designated by the sending Government to serve in the capacity of its resident representatives shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

23 UST 3227.

(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

Article VI

Environmental Protection

Section 161

The Government of the United States and the Government of Palau declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Palau.

Section 162

(a) The Government of the United States and the Government of Palau agree that with respect to the activities of the Government of the United States in Palau, and with respect to substantively equivalent activities of the Government of Palau, each of the Governments shall be bound by such environmental protection standards as may be mutually agreed for the purpose of carrying out the policy set forth in this Compact.

Section 163

In order to carry out the policy set forth in this Article, the Government of the United States and the Government of Palau agree to the following undertakings.

(a) The Government of the United States:

(1) shall apply environmental standards substantively similar to those in effect on the day preceding the effective date of this Compact to any activity requiring the preparation of an Environmental Impact Statement under the provisions of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq.

Regulations.

(2) shall develop, prior to conducting any activity included within the category described in this Section, appropriate mechanisms, including regulations or other standards and procedures, to regulate such activity in Palau in a manner appropriate to the special governmental relationship set forth in this Compact. The Government of the United States shall provide the Government of Palau with the opportunity to comment formally during the development of such mechanisms.

(b) The Government of Palau shall develop standards and procedures to protect the environment of Palau. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Government of Palau, taking into account the particular environment of Palau, shall develop standards for environmental protection substantively similar to those required of the Government of the United States by Section 163(a)(1) prior to conducting activities in Palau substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 163(a), including any standard or procedure applicable thereunder, and Section 163(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of Palau.

(d) Disputes arising under this Article, except for Section 163(e), shall be resolved exclusively in accordance with Article II of Title Four.

President of U.S.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable under this Article if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the Government of Palau shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable, a report with his reasons for granting such exemption shall be given promptly to the Government of Palau.

Reports.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceases with respect to Palau as of the effective date of this Compact.

Section 172

(a) Every citizen of Palau who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any nonresident alien.

(b) The Government and every citizen of Palau shall be considered a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706.

Section 173

The Government of the United States and the Government of Palau, agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in Palau pursuant to this Compact and its related agreements and by that Government in the United States pursuant to this Compact and its related agreements.

Section 174

Except as otherwise provided in this Compact and its related agreements:

(a) The Government of Palau shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall be immune from the jurisdiction of the courts of Palau.

Claims.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands or the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the effective date of this Compact; and

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands, pending as of the effective date of this Compact, against the Government of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

Claims.

(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in Section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor court, which shall have jurisdiction therefor, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

Commerce and trade.

(d) The Government of Palau, shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of Palau in any case in which the action is based on a commercial activity of the defendant Government carried out where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought. This subsection shall apply only to actions based on commercial activities entered into or injuries or losses suffered on or after the effective date of this Compact.

Section 175

Law enforcement and crime.

A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Government of Palau regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners. The separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188-3195, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-4115, shall be applicable to the transfer of prisoners under the separate agreement.

Section 176

The Government of Palau confirms that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of Palau to grant relief from judgments in appropriate cases.

Section 177

Claims.

(a) Federal agencies of the Government of the United States which provide services and related programs in Palau are authorized to settle and pay tort claims arising in Palau from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in Section 177(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under Section 177(a) which cannot be settled under Section 177(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of Palau shall provide for:

(1) the administrative settlement of claims referred to in Section 177(a), including designation of local agents in Palau, such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such related agreements; and

(2) arbitration, referred to in Section 177(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 177(a).

(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211

In order to assist the Government of Palau in its efforts to advance the well-being of the people of Palau and in recognition of the special relationship that exists between the United States and Palau, the Government of the United States shall provide to the Government of Palau on a grant basis the following amounts:

(a) $12 million annually for ten years commencing on the effective date of this Compact, and $11 million annually for five years commencing on the tenth anniversary of the effective date of this Compact, for current account operations and maintenance purposes, which amounts commencing on the fourth anniversary of the effective date of this Compact shall include a minimum annual distribution of $5 million from the fund specified in Section 211(f). 100 STAT. 3688

(b) $2 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact as a contribution to efforts aimed at achieving increased self-sufficiency in energy production, of which annual amounts not less than $500,000 shall be devoted to the energy needs of those parts of Palau not served by its central power-generating facility.

(c) $150,000 annually for fifteen years commencing on the effective date of this Compact as a contribution to current account operations and maintenance of communications systems, and the sum of $1.5 million, to be made available concurrently with the grant assistance provided during the first year after the effective date of this Compact, for the purpose of acquiring such communications hardware as may be located within Palau or for such other current or capital account activity as the Government of Palau may select.

(d) $631,000 annually on a current account basis for fifteen years commencing on the effective date of this Compact for the purposes set forth below:

(1) for the surveillance and enforcement by Government of Palau of its maritime zone;

(2) for health and medical programs, including referrals to hospital and treatment centers; and

(3) for a scholarship fund to support the post-secondary education of citizens of Palau attending United States accredited, post-secondary institutions in Palau, the United States, its territories and possessions, and states in free association with the United States. The curricular criteria for the award of scholarships shall be designed to advance the purposes of the plan referred to in Section 231.

(e) The sum of $666,800 as a contribution to the commencement of activities pursuant to Section 211(d)(1).

(f) The sum of $66 million on the effective date of this Compact, and the sum of $4 million concurrently with the grant assistance to be made available during the third year after the effective date of this Compact, to create a fund to be invested by the Government of Palau in issues of bonds, notes or other redeemable instruments of the Government of the United States or other qualified instruments which may be identified by mutual agreement of the Government of the United States and the Government of Palau. Investment of the fund in qualified instruments of United States nationality, and the distribution of sums derived from such investment to the Government of Palau, shall not be subject to any form of taxation by the United States or its political subdivisions. The Government of the United States and the Government of Palau shall set forth in a separate agreement, which shall come into effect simultaneously with this Compact, provisions for the investment, management and review of the fund so as to allow for an agreed minimum annual distribution from its accrued principal and interest commencing upon the effective date of this Compact for fifty years. The objective of this sum is to produce an average annual distribution of $15 million commencing on the fifteenth anniversary of this Compact for thirty-five years. Any excess or variance from the agreed minimum annual distributions which may be produced from these sums shall accrue to or be absorbed by the Government of Palau unless otherwise mutually agreed in accordance with the provisions of the separate agreement referred to in this paragraph. The annual distributions produced from these sums are not subject to Sections 215 and 236.

Section 212

In order to assist the Government of Palau in its efforts to advance the economic development and self-sufficiency of the people of Palau and in recognition of the special relationship that exists between the United States and Palau, the Government of the United States shall provide:

(a) To the people of Palau, a road system in accordance with mutually agreed specifications, the construction of which shall be completed prior to the sixth anniversary of the effective date of this Compact; and

Highways.

(b) To the Government of Palau, the sum of $36 million, during the first year after the effective date of this Compact, for capital account purposes.

Section 213

The Government of the United States shall provide on a grant basis to the Government of Palau the sum of $5.5 million in conjunction with Article II of Title Three. This sum shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of Palau, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Palau.

Section 214

All funds previously appropriated to the Trust Territory of the Pacific Islands for the Government of Palau which are unobligated by the Government of the Trust Territory as of the effective date of this Compact shall accrue to the Government of Palau for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

Section 215

Except as otherwise provided, the amounts stated in Sections 211(a), 211(b), 211(c) and 212(b) shall be adjusted for each fiscal year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

Article II

Program Assistance

Section 221

(a) The Government of the United States shall make available to Palau, in accordance with and to the extent provided in the separate agreement referred to in Section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands during the year prior to the effective date of this Compact, the services and related programs:

(1) of the United States Weather Service;

(2) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 et seq.;

(3) of the United States Federal Aviation Administration; and

(4) of the United States Civil Aeronautics Board or its successor agencies which has the authority to implement the provisions of paragraph 5 of Article IX of such separate agreements, the language of which is incorporated into this Compact.

Education. Health and medical care.

(b) The Government of the United States, recognizing the special needs of the Palau particularly in the fields of education and health care, shall make available, as provided by the laws of the United States,

(1) the annual amount of $2 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232; and

(2) the sums of $4.3 million, $2.9 million and $1.5 million, respectively, during the first, second and third years after the effective date of this Compact, which sums shall be used by the Government of Palau as current account funds to finance programs similar to those programs of the United States that applied to Palau prior to the effective date of this Compact and that provided financial assistance for education to any institution, agency, organization or permanent resident of Palau or to the College of Micronesia.

Energy. Research and development. Conservation.

(c) The Government of the United States shall make available to Palau such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

(d) The Government of the United States shall have and exercise such authority as is necessary for the purposes of this Article and as is set forth in the related agreements referred to in Section 232, which shall also set forth the extent to which services and programs shall be provided to Palau.

Section 222

The Government of Palau may request, from time to time, technical assistance from the Federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its law and which shall grant such technical assistance in a manner which gives priority consideration to Palau over other recipients not a part of the United States, its territories or possessions and equivalent consideration to Palau with respect to other states in Free Association with the United States.

Section 223

Education.

The citizens of Palau who are receiving post-secondary education assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

Section 224

The Government of the United States and the Government of Palau may agree from time to time to the extension to Palau of additional United States grant assistance and of United States services and programs as provided by the laws of the United States.

Article III

Administrative Provisions

Section 231

(a) The annual expenditure by the Government of Palau of the grant amounts specified in Article I of this Title shall be in accordance with an official national development plan promulgated by the Government of Palau and concurred in by the Government of the United States prior to the effective date of this Compact. This plan may be amended from time to time by the Government of Palau.

(b) The Government of the United States and the Government of Palau recognize that the achievement of the goals of the plan referred to in this Section depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of Palau, including the Government of the United States, and may, in addition, be affected by the impact of exceptional, economically adverse circumstances. The Government of Palau shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of this plan and on its use of the funds specified in this Article. This report shall outline the achievements of the plan to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. The availability of such additional economic assistance from the Government of the United States shall be subject to the authorization and appropriation of funds by the Government of the United States.

Reports.

Section 232

Effective date.

The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in Palau, and other arrangements in connection with a service or program furnished by the Government of the United States, are set forth in related agreements which shall come into effect simultaneously with this Compact.

Section 233

Grants.

The Government of the United States, in consultation with the Government of Palau, shall determine and implement procedures for the periodic audit of all grants and other assistance made under this Title. Such audits shall be conducted at no cost to the Government of Palau.

Section 234

Real property.

Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands and in Palau or acquired for or used by the Government of the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Government of Palau as set forth in a separate agreement which shall come into effect simultaneously with this Compact. The provisions of this Section shall not apply to the personal property of the Government of the United States for which the Government of the United States determines a continuing requirement.

Section 235

Trusts.

(a) Funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands, in his official capacity, as of the effective date of this Compact shall remain available as trust funds to their designated beneficiaries. The Government of the United States, in consultation with the Government of Palau, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

(b) To provide for the continuity of administration, and to assure the Governments of Palau that the purposes of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Commissioner of the Trust Territory of the Pacific Islands.

Section 236

Courts, U.S.

Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Article I of this Title. The obligation of the Government of the United States under Article I of this Title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States.

Article IV

Trade

Section 241

Palau is not included in the customs territory of the United States.

Imports.
Tariff Schedules of the U.S.
President of U.S.

Section 242

The President of the United States shall proclaim the following tariff treatment for articles imported from Palau which shall apply during the period of effectiveness of this Title:

Ante, pp. 2923, 2926.

(a) Unless otherwise excluded, articles imported from Palau, subject to the limitations imposed under sections 503(b) and 504(c) of title 5 of the Trade Act of 1974 (19 U.S.C. 2463(b); 2464(c)), shall be exempt from duty.

19 USC note prec. 1202–1202 note.

(b) Only canned tuna provided for in item 112.30 of the Tariff Schedules of the United States that is imported from the Federated States of Micronesia, the Marshall Islands and Palau during any calendar year not to exceed 10 percent of the United States consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty free treatment under this paragraph for any calendar year shall be counted against the aggregate quantity of canned tuna that is dutiable under rate column numbered 1 of such item 112.30 for that calendar year.

(c) The duty-free treatment provided under paragraph (1) shall not apply to:

(1) watches, clocks and timing apparatus provided for in subpart E of part 2 of schedule 7 of the Tariff Schedules of the United States;

(2) buttons (whether finished or not finished) provided for in item 745.32 of such Schedules;

(3) textile and apparel articles which are subject to textile agreements; and

100 STAT. 3693

(4) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) on April 1, 1984.

(d) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of Palau, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(b)(2) of title V of the Trade Act of 1974.

Ante, p. 2926.

Section 243

Imports.

Articles imported from Palau which are not exempt from any duty under paragraphs (a), (b), (c) and (d) of Section 242 shall be subject to the rates of duty set forth in column numbered 1 of the

Tariff Schedules of the United States and all products of the United States imported into Palau shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage, or use.

19 USC note prec. 1202–1202 note.

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of Palau. Should the Government of Palau act to institute another currency, the terms of an appropriate currency transitional period shall be as agreed with the Government of the United States.

Section 252

Gifts and property.

The Government of Palau may, with respect to United States persons, tax income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift or at death, and products consumed therein, in such manner as such Government deems appropriate. The determination of the source of any income, or the situs of any property, shall, for purposes of this Compact, be made according to the United States Internal Revenue Code.

26 USC 1 *et seq.*; *ante*, p. 2095.

Section 253

A citizen of Palau, domiciled therein and who is a nonresident and not a citizen of the United States, shall be exempt from estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

Section 254

(a) In determining any income tax imposed by the Government of Palau, the Government of Palau shall have authority to impose tax upon income derived by a resident of Palau from sources without Palau in the same manner and to the same extent as the Government of Palau imposes tax upon income derived from within its jurisdiction. If the Government of Palau exercises such authority as provided in this subsection, any individual resident of Palau who is subject to tax by the Government of the United States on income which is also taxed by the Government of Palau shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term "resident of Palau" shall be deemed to include any person who was physically present in Palau for a period of 183 or more days during any taxable year. The relief from liability referred to in this subsection means only:

100 STAT. 3694

(1) relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and

(2) relief in the form of the exclusion under section 911 of the United States Internal Revenue Code of 1954.

26 USC 911; *ante*, p. 2095.

(b) If the Government of Palau subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in Section 254(a).

Section 255

(a) For purposes of section 936 of the Internal Revenue Code of 1954 Palau shall be treated as if it was a possession of the United States.

26 USC 936.

(b) Subsection (a) of this Section shall not apply to Palau for any period after December 31, 1986, during which there is not in effect between Palau and the United States an exchange of information agreement of the kind described in section 274(h)(6)(C) (other than clause (ii) thereof) of the Internal Revenue Code of 1954.

(c) If the tax incentives extended to Palau under subsection (a) of this Section are, at any time during which the Compact is in effect, reduced, the United States Secretary of the Treasury shall negotiate an agreement with the Government of Palau under which, when such agreement is approved by law, Palau will be provided with benefits substantially equivalent to such reduction in benefits. If within the 1-year period after the date of the enactment of the Act making the reduction in benefits, an agreement negotiated under the preceding sentence is not approved by law, the matter shall be submitted to the Arbitration Board established pursuant to Section 424. For purposes of Article V of this Title, the Secretary of the Treasury or his delegate shall be the member of such Board representing the Government of the United States. Any decision of such Board in the matter when approved by law shall be binding on the United States, except that such decision rendered is binding only as to whether the United States has provided the substantially equivalent benefits referred to in this subsection.

(d) For purposes of section 274(h)(3)(A) of the Internal Revenue Code of 1954, the term "North American area" shall include Palau.

Section 256

This Article shall apply to income earned, and transactions occurring, after September 30, 1985, in taxable years ending after such date.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

The territorial jurisdiction of the Republic of Palau shall be completely foreclosed to the military forces and personnel or for the military purposes of any nation except the United States of America, and as provided for in Section 312.

Section 312

Armed Forces.

The Government of the United States has full authority and responsibility for security and defense matters in or relating to Palau. Subject to the terms of any agreements negotiated pursuant to Article II of this Title, the Government of the United States may conduct within the lands, water and airspace of Palau the activities and operations necessary for the exercise of its authority and responsibility under this Title. The Government of the United States may invite the armed forces of other nations to use military areas and facilities in Palau in conjunction with and under the control of United States Armed Forces.

Section 313

The Government of Palau shall refrain from actions which the Government of the United States determines, after consultation with that Government, to be incompatible with its authority and responsibility for security and defense matters in or relating to Palau.

Article II

Defense Sites and Operating Rights

Section 321

The Government of the United States may establish and use defense sites in Palau, and may designate for this purpose land and water areas and improvements in accordance with the provisions of a separate agreement which shall come into force simultaneously with this Compact.

Section 322

(a) When the Government of the United States desires to establish or use such a defense site specifically identified in the separate agreement referred to in Section 321, it shall so inform the Government of Palau which shall make the designated site available to the Government of the United States for the duration and level of use specified.

(b) With respect to any site not specifically identified in the separate agreement referred to in Section 321, the Government of the United States shall inform the Government of Palau, which shall make the designated site available to the Government of the United States for the duration and level of use specified, or shall make available one alternative site acceptable to the Government of the United States. If such alternative site is unacceptable to the Government of the United States, the site first designated shall be made available after such determination.

(c) Compensation in full for designation, establishment or use of defense sites is provided in Title Two of this Compact.

Section 323

Armed Forces.
Effective date.

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in Palau, are set forth in related agreements which shall come into effect simultaneously with this Compact.

Section 324

Weapons.
Aircraft and air carriers.
Vessels.

In the exercise in Palau of its authority and responsibility under this Title, the Government of the United States shall not use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare and the Government of Palau assures the Government of the United States that in carrying out its security and defense responsibilities under this Title, the Government of the United States has the right to operate nuclear capable or nuclear propelled vessels and aircraft within the jurisdiction of Palau without either confirming or denying the presence or absence of such weapons within the jurisdiction of Palau.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to Palau, all obligations, responsibilities, rights and benefits of:

(a) Any defense treaty or other international security agreement applied by the Government of the United States as administering authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact; and

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in Palau. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of Palau.

Article IV

Service in the Armed Forces of the United States

Section 341

Voluntarism.

Any citizen of Palau entitled to the privileges of Section 141 of this Compact shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such person does not establish habitual residence in the United States, its territories or possessions.

Section 342

The Government of the United States shall have enrolled, at any one time, at least one qualified student from Palau as may be nominated by the Government of Palau, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195; and

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295b(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

Article V

General Provisions

Section 351

Arbitration.

(a) The Government of the United States and the Government of Palau shall establish a joint committee empowered to consider disputes which may arise under the implementation of this Title and its related agreements.

100 STAT. 3697

(b) The membership of the joint committee shall comprise selected senior officials of each of the participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of the joint committee. For the meetings of the joint committee, each of the Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, the joint committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. The joint committee also shall meet promptly upon request of either of its members. Upon notification by the Government of the United States, the joint committee shall meet promptly in combined session with other such joint committees so notified. The joint committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

(d) Unresolved issues in the joint committee shall be referred to the Government of the United States and the Government of Palau for resolution, and the Government of Palau shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Defense and national security.

Section 352

In the exercise of its authority and responsibility under this Compact, the Government of the United States shall accord due respect to the authority and responsibility of the Government of Palau under this Compact and to the responsibility of the Government of Palau to assure the well-being of Palau and its people. The Government of the United States and the Government of Palau agree that the authority and responsibility of the United States set forth in this Title are exercised for the mutual security and benefit of Palau and the United States, and that any attack on Palau would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, or threat thereof, the Government of the United States would take action to meet the danger to the United States and Palau in accordance with its constitutional processes.

Section 353

(a) The Government of the United States shall not include the Government of Palau as a named party to a formal declaration of war, without the consent of the Government of Palau.

(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of Palau which arise out of armed conflict subsequent to the effective date of this Compact and which are:

Claims.

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of Palau, subsequent to completion of the following:

(a) Approval by the Government of Palau in accordance with its constitutional processes;

(b) Approval by the people of Palau in a referendum called on this Compact; and

(c) Approval by the Government of the United States in accordance with its constitutional processes.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States and the Government of Palau shall confer promptly at the request of the other on matters relating to the provisions of this Compact or of its related agreements.

Section 422

In the event the Government of the United States or the Government of Palau, after conferring pursuant to Section 421, determines that there is a dispute and gives written notice thereof, the Governments shall make a good faith effort to resolve the dispute among themselves.

Section 423

If a dispute between the Government of the United States and the Government of Palau cannot be resolved within 90 days of written notification in the manner provided in Section 422, either party to the dispute may refer it to arbitration in accordance with Section 424.

Section 424

Should a dispute be referred to arbitration as provided for in Section 423, an arbitration board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An arbitration board shall consist of a chairman and two other members, each of whom shall be a citizen of a party to the dispute and each of the two parties to the dispute shall appoint one member to the arbitration board. If either party to the dispute does not fulfill the appointment requirements of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the arbitration board shall be selected from its own 100 STAT. 3699 standing list by the other party to the dispute. Each government shall maintain a standing list of 10 candidates. The parties to the dispute shall jointly appoint a chairman within 15 days after selection of the other members of the arbitration board. Failing agreement on a chairman, the chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) The arbitration board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV, and VI of Title One, Title Two, Title Four and their related agreements.

(c) Each member of the arbitration board shall have one vote. Each decision of the arbitration board shall be reached by majority vote.

(d) In determining any legal issue, the arbitration board may have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The arbitration board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise by mutual agreement, the arbitration board shall endeavor to render its decision within 30 days after the conclusion of arguments. The arbitration board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the arbitration board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the Government of Palau.

Article III

Amendment and Review

Section 431

The provisions of this Compact may be amended at any time by mutual agreement of the Government of the United States and the Government of Palau in accordance with their respective constitutional processes.

Section 432

Upon the fifteenth and thirtieth and fortieth anniversaries of the effective date of this Compact, the Government of the United States and the Government of Palau shall formally review the terms of this Compact and its related agreements and shall consider the overall nature and development of their relationship. In these formal reviews, the governments shall consider the operating requirements of the Government of Palau and its progress in meeting the development objectives set forth in the plan referred to in Section 231(a). The governments commit themselves to take specific measures in relation to the findings of conclusions resulting from the review. Any alteration to the terms of this Compact or its related agreements shall be made by mutual agreement and the terms of this Compact and its related agreements shall remain in force until otherwise amended or terminated pursuant to Title Four of this Compact.

100 STAT. 3700

Article IV

Termination

Section 441

This Compact may be terminated by mutual agreement and subject to Section 451.

Section 442

This Compact may be terminated by the Government of the United States subject to Section 452, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

Section 443

This Compact shall be terminated, pursuant to its constitutional processes, by the Government of Palau subject to Section 452 if the people of Palau vote in a plebiscite to terminate. The Government of Palau shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such government shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Article V

Survivability

Section 451

Should termination occur pursuant to Section 441, economic assistance by the Government of the United States shall continue on mutually agreed terms.

Section 452

Should termination occur pursuant to Section 442 or 443, the following provisions of this Compact shall remain in full force and effect until the fiftieth anniversary of the effective date of this Compact and thereafter as mutually agreed:

(a) Article I and Section 233 of Title Two;

(b) Title Three; and

(c) Articles II, III, V and VI of Title Four.

Section 453

Notwithstanding any other provision of this Compact:

(a) The provisions of Section 311, even if Title Three should terminate, are binding and shall remain in effect for a period of 50 years and thereafter until terminated or otherwise amended by mutual consent;

(b) The related agreements referred to in Article II of Title Three shall remain in effect in accordance with their terms; and 100 STAT. 3701

(c) The Government of the United States reaffirms its continuing interest in promoting the long-term economic advancement and self-sufficiency of the people of Palau.

Section 454

Any provision of this Compact which remains in effect by operation of Section 452 shall be construed and implemented in the same manner as prior to any termination of this Compact pursuant to Section 442 or 443.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the administrative districts of Kosrae, Yap, Palau, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, Section 1, in force on January 1, 1979. This term does not include the area of the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "Palau" is used in a geographic sense and includes the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States consistent with the Compact and its related agreements.

(d) "Government of Palau" means the Government established and organized by the Constitution of Palau including all the political subdivisions and entities comprising that Government.

(e) "Habitual Residence" means a place of general abode or a principal, actual dwelling place of a continuing or lasting nature; provided, however, that this term shall not apply to the residence of any person who entered the United States for the purpose of full time studies as long as such person maintains that status, or who has been physically present in the United States or Palau for less than one year, or who is a dependent of a resident representative, as described in Section 152.

(f) For the purposes of Article IV of Title One of this Compact:

(1) "Actual Residence" means physical presence in Palau during eighty-five percent of the period of residency required by Section 141(a)(3); and

(2) "Certificate of Actual Residence" means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3).

(g) "Defense Sites" means those land and water areas and improvements thereon in Palau reserved or acquired by the Government of Palau for use by the Government of the United States, as set forth in the related agreements referred to in Section 321.

(h) "Capital Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, which are to be obligated for:

100 STAT. 3702

(1) the construction or major repair of capital infrastructure; or

(2) public and private sector projects identified in the official overall economic development plan.

(i) "Current Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

(j) "Official National Development Plan" means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authority in Title Two. Such a document should include an analysis of population trends, manpower requirements, social needs, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of Palau. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

(k) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

(l) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

The Government of the United States and the Government of Palau shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, and which shall be construed and implemented in a manner consistent with this Compact, as follows:

(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to Palau Concluded Pursuant to Section 131 of the Compact of Free Association;

(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in Palau, Concluded Pursuant to Section 132 of the Compact of Free Association;

(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 of the Compact of Free Association;

(d) Agreement Regarding United States Economic Assistance to the Government of Palau Concluded Pursuant to Section 211(f) of the Compact of Free Association;

(e) Agreement Regarding Construction Projects in Palau Concluded Pursuant to Section 212(a) of the Compact of Free Association;

(f) Agreement Regarding Federal Programs and Services, and Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association;

(g) Agreement Regarding Property Turnover, Concluded Pursuant to Section 234 of the Compact of Free Association; 100 STAT. 3703

(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in Palau Concluded Pursuant to Sections 321 and 322 of the Compact of Free Association; and

(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association.

(j) Agreement regarding the Jurisdication and Sovereignty of the Republic of Palau over its Territory and the Living and Non-living Resources of the Sea.

Article VII

Concluding Provisions

Section 471

(a) The Government of the United States and the Government of Palau agree that they have full authority under their respective constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.

(b) The Government of the United States and the Government of Palau shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, that their laws, regulations and administrative procedures are such as to effect the commitments referred to in Section 471(a).

(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

Section 472

This Compact may be accepted, by signature or otherwise, by the Government of the United States and the Government of Palau. Each government shall possess an original English language version.

IN WITNESS THEREOF, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and the Government of Palau. 100 STAT. 3704

DONE AT ______________________, THIS ________ DAY

OF ____, ONE THOUSAND NINE HUNDRED EIGHTY-FIVE

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

____

DONE AT ______________________, THIS ________ DAY

OF ____, ONE THOUSAND NINE HUNDRED EIGHTY-FIVE

FOR THE GOVERNMENT

OF

THE REPUBLIC OF PALAU

____

JURISDICTION

48 USC 1681 note. Aliens.

SEC. 202. (a) MARITIME AND TERRITORIAL JURISDICTION.—With respect to section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States and aliens lawfully admitted to the United States for permanent residence who are in Palau.

(b) DEFENSE SITES.—The defense sites of the United States established in Palau in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in section 7, title 18, United States Code.

Guam.

(c) OFFENSES.—(1) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the territory of Guam by the laws thereof, in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

Courts, U.S.

(2) The District Court of Guam shall have jurisdiction to try all criminal offenses against the United States, including the laws of Guam made applicable to the defense sites in Palau by virtue of subsection (c)(1) of this section, committed by any person referred to in subsection (a) of this section.

Courts, U.S.

28 USC 631 *et seq.*

(3) The District Court of Guam may appoint one or more magistrates for the defense sites in Palau. Such Magistrates shall have the power and the status of Magistrates appointed pursuant to chapter 43, title 28, United States Code: Provided however, That such Magistrates shall have the power to try persons accused of, and sentence persons convicted of, petty offenses, as defined in section

100 STAT. 3705

1(3), title 18, United States Code, including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18, United States Code.

Approved November 14, 1986.

LEGISLATIVE HISTORY—H.J. Res. 626 (S.J. Res. 325):

HOUSE REPORTS: No. 99-663, Pt. 1 (Comm. on Foreign Affairs), Pt. 2 (Comm. on Interior and Insular Affairs), Pt. 3 (Comm. on Ways and Means), and Pt. 4 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 99-403 accompanying S.J. Res. 325 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 132 (1986):
- Sept. 29, considered and passed House.
- Oct. 6, considered and passed Senate, amended.
- Oct. 16, House concurred in Senate amendments.

Public Law 99-664
99th Congress

100 STAT. 4303

An Act

To provide for a land exchange in the State of Alaska.

Nov. 17, 1986
[H.R. 5730]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Haida Land Exchange Act of 1986.
Public lands.

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Haida Land Exchange Act of 1986".

(b) PURPOSE.—The purpose of this Act is to provide an offer for the owners thereof to relinquish and convey voluntarily to the United States certain lands and interests therein as described below and receive in lieu thereof certain Federal lands and money. Congress finds and declares that it is in the public interest to implement the land exchanges and acquisitions set forth herein, in order to carry out the purposes of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

43 USC 1601 note.
16 USC 3101 note.

SEC. 2. DEFINITIONS AND MAPS.

(a) GENERAL DEFINITIONS.—As used in this Act:

(1) The "Alaska Native Claims Settlement Act" means Public Law 92-203, 85 Stat. 688 (December 18, 1971), as amended.

(2) The "Alaska National Interest Lands Conservation Act" means Public Law 96-487, 94 Stat. 2371 (December 2, 1980), as amended.

(3) The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

(4) The term "Haida Corporation" means the Alaska Native Village Corporation of Hydaburg, Alaska, which was organized pursuant to section 8 of the Alaska Native Claims Settlement Act.

43 USC 1607.

(5) The term "Sealaska" means Sealaska Corporation, a Regional Corporation (as such term is defined in section 3(g) of the Alaska Native Claims Settlement Act) existing under the laws of the State of Alaska.

43 USC 1602.

(6) The term "Haida Exchange Lands" means those lands and interests therein generally depicted on a map entitled "Haida Exchange Lands" dated August 1986, the surface estate of which was conveyed, subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act, to Haida Corporation in partial fulfillment of its entitlement under section 16(b) of the Alaska Native Claims Settlement Act.

43 USC 1615.

(7) The term "Haida Traditional Use Sites" means those lands and interests therein generally depicted on a map entitled "Haida Traditional Use Sites" dated August 1986, which are presently owned by the United States.

(8) The terms "Goat Island" and "South Pass Islands" mean those lands and interests therein generally depicted on a map entitled "Goat Island and South Pass Islands Acquisitions" dated September 1986, the surface estate of which was conveyed, subject to valid existing rights and the provisions of the Alaska Native Claims

100 STAT. 4304

Settlement Act, to Haida Corporation in partial fulfillment of its entitlement under section 16(b) of the Alaska Native Claims Settlement Act, and the subsurface estate to which was conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act.

43 USC 1615.
43 USC 1601 note.

(9) The term "selection rights" means the combination of Haida Corporation's selection rights under section 16 of the Alaska Native Claims Settlement Act which have not been exercised as of January 1, 1995, plus such acreage of the Haida Exchange Lands owned by Haida Corporation on January 1, 1995.

(10) The term "subsurface estate" has the same meaning as such term has when used in the Alaska Native Claims Settlement Act.

(11) The term "conservation system unit" has the same meaning as such term has when used in the Alaska National Interest Lands Conservation Act.

16 USC 3101 note.

(12) The term "cooperative information and education branch site" means a tract of land of not to exceed 10 acres as shall be identified, through mutual agreement of the Secretary and Haida Corporation, for location of an affiliated branch of the center described in section 11 of this Act.

District of Columbia.

(b) Maps.—The maps referred to in this Act shall be on file in the Office of the Chief, United States Forest Service and in the Office of the Secretary of the Interior, Washington, District of Columbia. The acreage cited in this Act is approximate, and in the event of discrepancies between cited acreage and the lands depicted on the referenced maps, the maps shall control, but such maps shall not be construed as an attempt by the United States to convey State or private lands, or as an attempt by Haida Corporation or Sealaska to convey to the United States lands not owned by Haida Corporation or Sealaska.

SEC. 3. OFFERS TO HAIDA.

(a) Offer.—For and in consideration of the relinquishment and conveyance to the United States of all of Haida Corporation's right, title, and interest in 4,222 acres of the Haida Exchange Lands as specified by the Secretary, there are hereby offered to Haida Corporation the following lands and interests in lands: All right, title, and interest of the United States in the surface estate of the Haida Traditional Use Sites. This conveyance shall be subject to valid existing rights and such perpetual easements as identified by the Secretary no later than 120 days after the date of enactment of this Act.

(b) Offer.—For and in consideration of the relinquishment and conveyance to the United States of all Haida Corporation's right, title, and interest in Goat Island, South Pass Islands, and the cooperative information and education branch site, there is offered the sum of $9,000,000 subject to appropriation as authorized by section 9.

(c) Offer.—For and in consideration of the relinquishment and conveyance to the United States of all Haida Corporation's right, title, and interest in up to 667 acres of the Haida Exchange Lands, with the amount of acres to be specified by Haida Corporation at the time of its acceptance, if any, of this offer, there is offered $3,000 per acre subject to appropriation as authorized by section 9. The Secretary shall specify which of the Haida Exchange Lands shall be conveyed to the United States pursuant to this subsection after Haida specifies the number of acres, if any, to be conveyed pursuant to this subsection.

(d) Haida Deadline.—Haida Corporation shall have two years from the date of enactment of this Act within which to accept the offers provided in this section by providing to the Secretary a properly executed and certified corporate resolution binding upon the corporation with respect to the relinquishment and conveyance of all of the corporation's right, title, and interest in the lands specified in subsection (a) and/or subsection (b) and/or subsection (c) of this section. At the Secretary's discretion, the Secretary may require that any such resolution be accompanied by an opinion of counsel to Haida Corporation stating that the resolution comports with all requirements of Federal and State law and the rules and bylaws of the Haida Corporation.

SEC. 4. OFFERS TO SEALASKA.

(a) Island Area.—For and in consideration of the relinquishment to the United States of all of Sealaska's right, title, and interest in Goat Island and South Pass Islands, the cooperative information and education branch site and such other lands of the Haida Exchange Lands as Haida Corporation may relinquish and convey pursuant to subsection 3(c), there is hereby offered to Sealaska, an exchange of lands or interests therein on an equal value basis.

(b) Other Areas.—If not later than two years after the date of enactment of this Act, Sealaska notifies the Secretary and the Secretary of the Interior of Sealaska's desire to make an exchange, the Secretary of the Interior shall convey to Sealaska the subsurface estate in lands conveyed to Haida Corporation pursuant to this Act in exchange for the subsurface estate in the Haida Exchange Lands conveyed to the United States by Haida Corporation pursuant to section 3(a).

(c) Deadline.—Sealaska shall have two years from the date of enactment of this Act within which to accept the offer made by subsection (a) by providing to the Secretary a properly executed and certified corporate resolution binding upon Sealaska with respect to the relinquishment and conveyance of all Sealaska's interest in Goat Island and South Pass Islands, in the cooperative information and education branch site, and in such other lands of the Haida Exchange Lands as Haida Corporation relinquishes and conveys pursuant to section 3(c). At the Secretary's discretion, the Secretary may require that any such resolution be accompanied by an opinion of counsel to Haida Corporation and Sealaska stating that the resolutions comport with all requirements of Federal and State law and the rules and bylaws of the corporations.

SEC. 5. CONTINGENCY AND MANAGEMENT.

(a) Contingency.—In the event that Haida Corporation does not make a timely acceptance of the offers made by section 3, any acceptance by Sealaska shall be ineffective and the United States shall not be bound to acquire any of Sealaska's interests in Goat Island, or South Pass Islands or Haida Exchange Lands.

National Forest System.

(b) Management.—If they are acquired by the United States pursuant to this Act, Goat Island and South Pass Islands shall be included within the Tongass National Forest, and shall be managed in accordance with laws applicable to the National Forest System and other applicable law. Subject to valid existing rights, Goat Island and South Pass Islands are hereby withdrawn from State selection under the Alaska Statehood Act and from native selection under the Alaska Native Claims Settlement Act. The provisions of section 1307(b) of the Alaska National Interest Lands Conservation Act shall apply to Goat Island and South Pass Islands notwithstanding the fact that such areas are not conservation system units.

48 USC note prec. 21.
43 USC 1601 note.
16 USC 3197.

SEC. 6. STATUS OF OFFERS AND CONDITIONS OF CONVEYANCE.

(a) Severability.—The offers made in separate sections of this Act to Haida Corporation and to Sealaska respectively are separate, and acceptance of an offer made in one such section does not bind a corporation to accept any offer made in any other section.

Claims.

43 USC 1601 note.

(b) Terms and Conditions.—Subject to valid existing rights and any other interests in land protected under Federal law as of the date of interim conveyance of the relevant lands to Haida Corporation pursuant to the Alaska Native Claims Settlement Act where such conveyance accrued prior to the date of enactment of this Act, the conveyance of all lands and interests therein conveyed to the United States from Haida Corporation pursuant to this Act shall be free and clear of the claims of all creditors. No encumbrances on such lands and interests therein created after such interim conveyance which are not subject to the jurisdiction of a United States court as of the date of Haida Corporation's relinquishment and conveyance of lands to the United States pursuant to this Act shall be effective unless such encumbrances are acceptable to the Secretary. The Secretary shall require Sealaska to provide such title as is acceptable to the Secretary with regard to all lands conveyed to the United States by Sealaska.

SEC. 7. STATUS OF LANDS CONVEYED.

43 USC 1620.

(a) To Corporations.—All lands conveyed to Haida Corporation or Sealaska pursuant to this Act shall be considered as lands conveyed pursuant to the Alaska Native Claims Settlement Act. For purposes of section 21(c) of such Act, receipt by Haida Corporation or Sealaska of lands or other things of value pursuant to this Act shall constitute receipt of an interest in land.

National Forest System.

Claims.

(b) To United States.—All lands conveyed to the United States pursuant to this Act shall be included in the Tongass National Forest and shall be subject to the laws, rules and regulations applicable thereto. Lands and interests therein conveyed to the United States pursuant to this Act shall not be subject to any levy, foreclosure, or any other action which would encumber or divest the United States of any right, title, or interest in such lands. No action may be brought by any party in any United States district court pursuant to title 28, United States Code, section 2409a, to quiet title to such lands.

SEC. 8. WITHDRAWALS AND INTERIM MANAGEMENT.

Mines and mining.
Energy.

16 USC 792.

(a) Withdrawals.—Subject to valid existing rights, all lands identified in this Act as available for conveyance to Haida Corporation or Sealaska are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States, from leasing under the mineral and geothermal leasing laws, and against issuance of preliminary permits and licenses pursuant to the Federal Power Act. This withdrawal shall expire eighteen months after the date of enactment of this Act.

100 STAT. 4307

(b) Interim Management.—Subject to valid existing rights, during acceptance periods provided in this Act, the Secretary and the Secretary of the Interior shall manage the lands available for conveyance under sections 3 and 4 of this Act so as to maintain their existing character and resources until conveyed. In the event that Haida Corporation or Sealaska does not maintain the character of the lands proposed for conveyance to the United States pursuant to section 3 or section 4, respectively, pending conveyance of such lands, the United States shall not be obliged to acquire any such lands from a corporation which has not so maintained the character of such lands.

(c) Savings Provisions.—Nothing in this Act shall be deemed as a cloud of title of lands or interests therein owned on the date of enactment of this Act by Haida Corporation or Sealaska. Nothing in this Act shall be construed in any way as affecting the existing ownership or as limiting the use of lands owned by the respective Corporations on the date of enactment of this Act. Nothing in this Act shall be construed to limit the authority of the Secretary to enter into land exchanges pursuant to existing exchange authorities. No action of the Secretary or the Secretary of the Interior in effecting any conveyance of lands or interests therein authorized under this Act shall be deemed a major Federal action for purposes of the National Environmental Policy Act of 1969, nor shall any determination pursuant to section 810 of the Alaska National Interest Lands Conservation Act be required prior to implementation of any provision of this Act.

42 USC 4321 note.
16 USC 3120.

SEC. 9. FUNDING.

There are authorized to be appropriated from the Land and Water Conservation Fund up to $11,000,000 to fund payments to Haida Corporation under section 3.

Appropriation authorization.

SEC. 10. FUTURE SELECTIONS.

(a) Withdrawals.—(1) On and after the effective date of this section, the Secretary of the Interior, after consultation with the Secretary, the Governor of Alaska, the Haida Corporation, and Sealaska is authorized and directed to withdraw from all forms of entry and appropriation under the public land laws, including the mining, mineral leasing, and geothermal leasing laws, Federal lands in Alaska outside any conservation system unit for selection by Haida Corporation pursuant to this section. The Secretary shall not concur in any withdrawal which would impair the Secretary's ability to manage the Tongass National Forest in accordance with applicable requirements of law.

Mines and mining.
Energy.
National Forest System.

(2) Withdrawals pursuant to this subsection shall be in an aggregate amount equal to twice the acreage of Haida Corporation's selection rights.

(3) Lands withdrawn pursuant to this subsection shall be, to the maximum extent possible, lands accessible from the coast which are of like kind and character to those traditionally used and occupied by the shareholders of Haida Corporation and shall be, to the maximum extent possible, capable of utilization for economic return to Haida Corporation. No lands within the National Forest System shall be withdrawn under this subsection without the concurrence of the Secretary.

(b) Selections.—For one year after the completion of withdrawals pursuant to subsection (a) of this section, Haida Corporation shall be entitled but not required to select for conveyance to such corporation from lands withdrawn pursuant to subsection (a) lands not to exceed an amount equal in acreage to Haida Corporation selection rights which as of the date of selection had not been relinquished or disposed of by Haida Corporation. Haida Corporation shall notify the Secretary of the Interior which, if any, of the lands so withdrawn Haida Corporation wishes to select and which such selection rights Haida Corporation intends to relinquish in return for its selections. After their selection, the surface estate in lands selected by Haida Corporation pursuant to this subsection shall be conveyed to Haida Corporation and the subsurface estate in such lands shall be conveyed to Sealaska in partial fulfillment of such corporations' entitlements under the Alaska Native Claims Settlement Act and pursuant to the provisions of that Act.

100 STAT. 4308

43 USC 1601 note.

(c) Duration.—All withdrawals made pursuant to subsection (a) and all withdrawals in aid of Haida Corporation selections made pursuant to the Alaska Native Claims Settlement Act prior to the date of enactment of this Act of land not selected by Haida Corporation shall terminate two years after the last withdrawal is made pursuant to subsection (a).

Termination date.

(d) Effective Date.—This section shall take effect on January 1, 1995.

SEC. 11. COOPERATIVE INFORMATION AND EDUCATION CENTER.

(a) Authorization.—There is hereby authorized to be appropriated $250,000 to be used by the Secretary of Agriculture to conduct surveys, develop designs, and carry out other preliminary work related to the establishment of an Information and Education Center provided for in section 1305 of Public Law 96-487.

16 USC 3195 note.
16 USC 3195.

(b) Purposes.—The purposes of the Center authorized by subsection (a) shall be—

Cultural programs.

National Forest System.

(1) to collect and disseminate to visitors to and residents of Alaska information about the natural, recreational, cultural, historical, archeological, multiple use, and other resources and values of Alaska, with special emphasis on the Tongass National Forest and Southeast Alaska and its people;

(2) to publicly display temporary and permanent exhibits illustrating and interpreting these resources and values;

(3) to foster educational programs relating to the heritage resources of Alaska including those pertaining to Alaska Native peoples with particular emphasis on the Haida, Tshimshian, and Tglingit peoples of Southeast Alaska.

(c) Design.—Design of the center in subsection (a) shall be developed in consultation with other appropriate Federal agencies, the Alaska Division of Tourism and other appropriate agencies of the State of Alaska, the local government of the city in which such center is to be located, and southeast Alaska Native organizations.

(d) Consultation.—In establishing, operating, and maintaining the center (and any affiliated branches), the Secretary of Agriculture shall consult with, in addition to those listed in subsection (c), Alaska colleges and universities, the National Historic Association of Alaska, the Alaska Federation of Natives, and appropriate individuals and other organizations concerned with the diverse heritage resources of Alaska.

(e) Cooperative Agreements.—The Secretary of Agriculture is authorized to enter into cooperative agreements with those individuals and organizations listed in subsections (c) and (d) to facilitate carrying out the purposes of the Center.

100 STAT. 4309

(f) Development Plan.—Within one year after the date of enactment of this Act, and after consultation with the individuals and organizations listed in subsections (c) and (d), the Secretary of Agriculture shall submit to Congress a development plan for the Center along with an estimate of the cost.

Approved November 17, 1986.

LEGISLATIVE HISTORY—H.R. 5730:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Oct. 17, considered and passed House and Senate.

JUDICIARY AND JUSTICE ACTS

Public Law 99-336
99th Congress

100 STAT. 633

An Act

To amend title 28, United States Code, to reform and improve the Federal justices and judges survivors' annuities program, and for other purposes.

June 19, 1986
[H.R. 3570]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Judicial Improvements Act of 1985.
Courts.
Retirement.
28 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Improvements Act of 1985".

SEC. 2. JUDICIAL SURVIVORS' ANNUITIES AMENDMENTS.

(a) BENEFIT REFORMS.—Section 376 of title 28, United States Code, is amended as follows:

(1) Subsection (a)(1) is amended by striking out "or (iii) the date upon which the Judicial Survivors' Annuities Reform Act becomes effective;" and inserting in lieu thereof "(iii) January 1, 1977; or (iv) October 1, 1986;".

28 USC 1 note.

(2) Subsections (b) and (d) are each amended by striking out "4.5 percent" each place it appears and inserting in lieu thereof "5 percent".

(3) Subsection (c) is amended to read as follows:

"(c)(1) There shall also be deposited to the credit of the Judicial Survivors' Annuities Fund, in accordance with such procedures as the Comptroller General of the United States may prescribe, amounts required to reduce to zero the unfunded liability of the Judicial Survivors' Annuities Fund: *Provided,* That such amounts shall not exceed the equivalent of 9 percent of salary or retirement salary. Such deposits shall, subject to appropriations Acts, be taken from the fund used to pay the compensation of the judicial official, and shall immediately become an integrated part of the Judicial Survivors' Annuities Fund for any use required under this section.

"(2) For purposes of paragraph (1), the term 'unfunded liability' means the estimated excess, determined on an annual basis in accordance with the provisions of section 9503 of title 31, United States Code, of the present value of all benefits payable from the Judicial Survivors' Annuities Fund, over the sum of—

"(A) the present value of deductions to be withheld from the future basic pay of judicial officials; plus

"(B) the balance in the Fund as of the date the unfunded liability is determined.

In making any determination under this paragraph, the Comptroller General shall use the applicable information contained in the reports filed pursuant to section 9503 of title 31, United States Code, with respect to the judicial survivors' annuities plan established by this section.

Appropriation authorization.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.".

(4) Subsection (h) is amended—

(A) in paragraph (1)(B), by striking out clauses (i) and (ii) and inserting in lieu thereof the following:

100 STAT. 634

"(i) 10 percent of the average annual salary determined under subsection (l)(1) of this section; or

"(ii) 20 percent of such average annual salary, divided by the number of children;";

(B) in paragraph (1)(C) by striking out clauses (ii) and (iii) and inserting in lieu thereof the following:

"(ii) 20 percent of the average annual salary determined under subsection (l)(1) of this section; or

"(iii) 40 percent of such average annual salary amount, divided by the number of children;"; and

(C) in paragraph (2) by inserting immediately after "remarriage" the following: "before attaining age 55".

(5) Subsection (l) is amended—

(A) by striking out "1¼ percent" and inserting in lieu thereof "1.5 percent";

(B) in paragraph (2) by striking out the colon after "subsection" and inserting in lieu thereof a semicolon; and

(C) by striking out the proviso and inserting in lieu thereof the following: "except that such annuity shall not exceed an amount equal to 50 percent of such average annual salary, nor be less than an amount equal to 25 percent of such average annual salary. Any annuity determined in accordance with the provisions of this subsection shall be reduced to the extent required by subsection (d) of this section.".

28 USC 376 note.

(b) Beneficiaries.—The benefits conferred by section 376 of title 28, United States Code, by reason of the amendments made by this section shall apply only to individuals who become eligible for annuities under such section on or after the effective date of this section, except that—

(1) such annuities shall be computed in accordance with the provisions of section 376 of title 28, United States Code, as amended by this section, notwithstanding contributions or deposits made in accordance with applicable law at lower rates; and

(2) no additional liability shall be created with respect to deposits made in accordance with applicable law before the effective date of this section, or after such effective date pursuant to an agreement entered into before such effective date.

28 USC 376 note.

(c) Revocation.—(1) Within 180 days after the effective date of this section, any judicial official who, before such effective date, made an election under section 376 of title 28, United States Code, to come within the purview of that section, shall be entitled to revoke that election. Such revocation shall constitute a complete withdrawal from the judicial survivors' annuities program provided for in such section 376. No such revocation shall be effective unless it is submitted in writing to the Director of the Administrative Office of the United States Courts, and until such writing is received by the Director. Upon receipt by the Director of such writing, any rights to survivorship benefits for the survivors of such judicial official shall terminate, and all amounts credited to the individual account of such judicial official under section 376(e), together with interest at 3 percent per annum, compounded on December 31 of each year to such date of revocation, shall be returned to that judicial official in a lump-sum payment.

100 STAT. 635

(2) Any judicial official who makes a revocation under paragraph (1) of this subsection and who thereafter becomes eligible to make an election under section 376(b) of title 28, United States Code, may make such election only if such judicial official redeposits, to the credit of the Judicial Survivors' Annuities Fund, the full amount of the lump-sum payment made to such judicial official under paragraph (1) of this subsection, together with interest at 3 percent per annum, compounded on December 31 of each year from the date of such revocation until the date upon which that amount is so redeposited.

(3) Any judicial official who fails to revoke an election in accordance with paragraph (1) of this subsection shall be deemed to have irrevocably waived the right to make that revocation.

(d) ANNUITIES FOR FORMER SPOUSES.—

(1) Section 376 of title 28, United States Code, is amended in subsection (a)—

(A) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(B) by adding at the end the following new paragraph:

"(6) 'former spouse' means a former spouse of a judicial official if the former spouse was married to such judicial official for at least 9 months.".

(2) Section 376 of title 28, United States Code, is amended by adding at the end the following new subsections:

"(s) A judicial official who has a former spouse may elect, under procedures prescribed by the Director of the Administrative Office of the United States Courts, to provide a survivor annuity for such former spouse under subsection (t). An election under this subsection shall be made at the time of retirement, or, if later, within 2 years after the date on which the marriage of the former spouse to the judicial official is dissolved. An election under this subsection—

"(1) shall not be effective to the extent that it—

"(A) conflicts with—

"(i) any court order or decree referred to in subsection (t)(1), which was issued before the date of such election, or

Contracts.

"(ii) any agreement referred to in such subsection which was entered into before such date; or

"(B) would cause the total of survivor annuities payable under subsections (h) and (t) based on the service of the judicial official to exceed 55 percent of the average annual salary (as such term is used in subsection (l)) of such official; and

"(2) shall not be effective, in the case of a judicial official who is then married, unless it is made with the spouse's written consent.

Regulations.

The Director of the Administrative Office of the United States Courts shall provide by regulation that paragraph (2) of this subsection may be waived if the judicial official establishes to the satisfaction of the Director that the spouse's whereabouts cannot be determined, or that, due to exceptional circumstances, requiring the judicial official to seek the spouse's consent would otherwise be inappropriate.

"(t)(1) Subject to paragraphs (2) through (4) of this subsection, a former spouse of a deceased judicial official is entitled to a survivor annuity under this section if and to the extent expressly provided for in an election under subsection (s), or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree.

"(2) The annuity payable to a former spouse under this subsection may not exceed the difference between—

"(A) the maximum amount that would be payable as an annuity to a widow or widower under subsection (l), determined without taking into account any reduction of such annuity caused by payment of an annuity to a former spouse; and

"(B) the amount of any annuity payable under this subsection to any other former spouse of the judicial official, based on an election previously made under subsection (s), or a court order previously issued.

"(3) The commencement and termination of an annuity payable under this subsection shall be governed by the terms of the applicable order, decree, agreement, or election, as the case may be, except that any such annuity—

"(A) shall not commence before—

"(i) the day after the judicial official dies, or "(ii) the first day of the second month beginning after the date on which the Director of the Administrative Office of the United States Courts receives written notice of the order, decree, agreement, or election, as the case may be, together with such additional information or documentation as the Director may prescribe,

whichever is later, and

"(B) shall terminate no later than the last day of the month before the former spouse remarries before becoming 55 years of age or dies.

"(4) For purposes of this section, a modification in a decree, order, agreement, or election referred to in paragraph (1) of this subsection shall not be effective—

"(A) if such modification is made after the retirement of the judicial official concerned, and

"(B) to the extent that such modification involves an annuity under this subsection.".

(3)(A) Subsection (l) of section 376 of title 28, United States Code (as amended by subsection (a)(4)(C) of this section), is amended by striking out the period at the end of the last sentence and by adding at the end the following: ", and by the amount of any annuity payable to a former spouse under subsection (t).".

(B) Subsection (n) of section 376 of such title is amended in the last sentence by inserting after "equity," the following: "except as provided in subsections (s) and (t),".

(C) Subsection (o) of section 376 of such title is amended in paragraphs (2) and (3) by inserting "or (t)" after "subsection (h)" each place it appears.

28 USC 376 note.

(4) Payments of retirement salary as defined in section 376(a)(2) of title 28, United States Code, which would otherwise be made to the judicial official upon whose service the retirement salary is based, shall be paid (in whole or in part) to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person. This paragraph shall apply only to payments made after the date of receipt by the Director of the Administrative Office of United States Courts of written notice of such decree, order, or agreement, and such additional information and documentation as the Director may prescribe. As used in this paragraph, "court" means any court of any State or the District of Columbia.

100 STAT. 637

(e) Creditable Service.—Section 376(k)(1) of title 28, United States Code, is amended by deleting the phrase "subsection (b) of".

28 USC 376 note.

(f) Effective Date.—This section shall take effect on October 1, 1986.

SEC. 3. REMOVAL JURISDICTION.

(a) Section 1441 Amendment.—Section 1441 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(e) The court to which such civil action is removed is not precluded from hearing and determining any claim in such civil action because the State court from which such civil action is removed did not have jurisdiction over that claim.".

28 USC 1441 note.

(b) Effective Date.—The amendment made by this section shall apply with respect to claims in civil actions commenced in State courts on or after the date of the enactment of this section.

SEC. 4. COLLECTION OF FEES FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

(a) SECTION 1914 AMENDMENT.—Section 1914 of title 28, United States Code, relating to district court fees, is amended by striking out subsection (d).

(b) AMENDMENTS TO DISTRICT OF COLUMBIA CODE.—

(1) Section 15-701(a) of the District of Columbia Code, relating to compensation taxed as costs, is amended by striking out "clerk of the United States District Court for the District of Columbia,".

(2) Section 15-702 of such code, relating to docket fees, is amended—

(A) by striking out "(a)" and all that follows through "(b)"; and

(B) by striking out the section heading and inserting in lieu thereof the following:

"§ 15-702. Attorney fees taxed as costs".

(3) Section 15-703 of such code, relating to deposit and security for costs, is amended—

(A) by striking out "(a)" and all that follows through "(b)" and inserting in lieu thereof "(a)";

(B) in the undesignated paragraph by inserting "(b)" immediately before "A nonresident"; and

(C) in the section heading by striking out "Deposit for costs; security" and inserting in lieu thereof "Security".

(4) Section 15-704 of such code, relating to advance payment of costs and fees, is amended—

(A) in subsection (a) by striking out "(a)" and by striking out "the clerk of the United States District Court for the District of Columbia and"; and

(B) by striking out subsection (b).

(5) Section 15-706 of such code, relating to clerk's fees in the United States District Court for the District of Columbia, is hereby repealed.

100 STAT. 638

(6) Section 15-709(a) of such code, relating to fees and costs in Superior Court, is amended by striking out the second sentence.

(7) The table of contents for chapter 7 of title 15 of such code, relating to fees and costs, is amended—

(A) by striking out the item relating to section 15-702 and inserting in lieu thereof

"15-702. Attorney fees taxed as costs.";

and

(B) by striking out "Deposit for costs; security" in the item relating to section 15-703 and inserting in lieu thereof "Security".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any civil action, suit, or proceeding instituted on or after the date of the enactment of this Act.

28 USC 1914 note.

SEC. 5. JUDICIAL REVIEW OF FEDERAL MARITIME COMMISSION AND MARITIME ADMINISTRATION ORDERS.

(a) SECTION 2342 AMENDMENT.—Section 2342(3) of title 28, United States Code, is amended to read as follows:

"(3) all rules, regulations, or final orders of—

"(A) the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C. App. 802, 803, 808, 835, 839, and 841a); and

"(B) the Federal Maritime Commission issued pursuant to—

"(i) section 23, 25, or 43 of the Shipping Act, 1916 (46 U.S.C. App. 822, 824, or 841a);

"(ii) section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876);

"(iii) section 2, 3, 4, or 5 of the Intercoastal Shipping Act, 1933 (46 U.S.C. App. 844, 845, 845a, or 845b);

"(iv) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C. App. 1713 or 1716); or

"(v) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C. App. 817d(d) or 817e(d);".

28 USC 2342 note.

(b) Effective Date.—The amendment made by this section shall apply with respect to any rule, regulation, or final order described in such amendment which is issued on or after the date of the enactment of this Act.

SEC. 6. TECHNICAL AMENDMENTS.

(a) Redesignation of Duplicate Sections.—

28 USC 1330 *et seq.*

(1) Title 28 amendments.—Chapter 85 of title 28, United States Code, is amended—

(A) in the table of sections by striking out

"1364. Senate actions.
"1364. Construction of references to laws of the United States or Acts of Congress."

and inserting in lieu thereof the following:

"1365. Senate actions.
"1366. Construction of references to laws of the United States or Acts of Congress.";

(B) by striking out the section heading

"§ 1364. Senate actions"

100 STAT. 639

and inserting in lieu thereof the following:

"§ 1365. Senate actions"; and

(C) by striking out the section heading

"§ 1364. Construction of references to laws of the United States or Acts of Congress"

and inserting in lieu thereof the following:

"§ 1366. Construction of references to laws of the United States or Acts of Congress".

(2) Conforming amendment.—Section 705(a) of the Ethics in Government Act of 1978 (Public Law 95-521; 2 U.S.C. 288d(a)) is amended by striking out "1364" and substituting "1365".

(b) Deletion of Incorrect References.—Paragraph (3) of section 620(b) of title 28, United States Code, is amended—

(1) by striking out "referees,"; and

(2) by substituting "magistrates" for "commissioners".

28 USC 620 note.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 7. FULL LIFE INSURANCE COVERAGE FOR RETIRED FEDERAL JUDGES.

28 USC 151 note.
5 USC 8714a.

The Bankruptcy Amendments and Federal Judgeship Act of 1984 (98 Stat. 333) is amended as follows:

(1) section 206 is revised to read as follows:

"Sec. 206. Sections 8706(a), 8714a(c)(1), 8714b(c)(1), and 8714c(c)(1) of title 5, United States Code, are amended to insert immediately after the first sentence in each of those sections a new sentence which reads as follows: 'Justices and judges of the United States described in section 8701(a)(5) (ii) and (iii) of this chapter are deemed to continue in active employment for purposes of this chapter.'."; and

(2) section 207 is revised to read as follows:

"SEC. 207. The amendments to chapter 87 of title 5, United States Code, made by section 206 of this Act shall apply in the case of any justice or judge who is retired under section 371(a) or 371(b) or 372(a) of title 28, United States Code. The amendments apply to those who retire on or after January 1, 1982.".

5 USC 8706 note.
5 USC 8714b.
5 USC 8701 *et seq.*

Approved June 19, 1986.

LEGISLATIVE HISTORY—H.R. 3570:

HOUSE REPORT: No. 99-423, Pt. 1 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Dec. 16, considered and passed House.
Vol. 132 (1986): Apr. 11, considered and passed Senate, amended.
May 22, House agreed to Senate amendments.

Public Law 99-603
99th Congress

100 STAT. 3359

An Act

To amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes.

Nov. 6, 1986
[S. 1200]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Immigration Reform and Control Act of 1986.
8 USC 1101 note.

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Reform and Control Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

TABLE OF CONTENTS

Sec. 1. Short title; references in Act.

TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

Sec. 101. Control of unlawful employment of aliens.
Sec. 102. Unfair immigration-related employment practices.
Sec. 103. Fraud and misuse of certain immigration-related documents.

PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

Sec. 111. Authorization of appropriations for enforcement and service activities of the Immigration and Naturalization Service.
Sec. 112. Unlawful transportation of aliens to the United States.
Sec. 113. Immigration emergency fund.
Sec. 114. Liability of owners and operators of international bridges and toll roads to prevent the unauthorized landing of aliens.
Sec. 115. Enforcement of the immigration laws of the United States.
Sec. 116. Restricting warrantless entry in the case of outdoor agricultural operations.
Sec. 117. Restrictions on adjustment of status.

PART C—VERIFICATION OF STATUS UNDER CERTAIN PROGRAMS

Sec. 121. Verification of immigration status of aliens applying for benefits under certain programs.

TITLE II—LEGALIZATION

Sec. 201. Legalization of status.
Sec. 202. Cuban-Haitian adjustment.
Sec. 203. Updating registry date to January 1, 1972.
Sec. 204. State legalization impact-assistance grants.

TITLE III—REFORM OF LEGAL IMMIGRATION

PART A—TEMPORARY AGRICULTURAL WORKERS

Sec. 301. H-2A agricultural workers.
Sec. 302. Permanent residence for certain special agricultural workers.
Sec. 303. Determinations of agricultural labor shortages and admission of additional special agricultural workers.
100 STAT. 3360 Sec. 304. Commission on Agricultural Workers.
Sec. 305. Eligibility of H-2 agricultural workers for certain legal assistance.

PART B—OTHER CHANGES IN THE IMMIGRATION LAW

Sec. 311. Change in colonial quota.
Sec. 312. G-IV special immigrants.
Sec. 313. Visa waiver pilot program for certain visitors.
Sec. 314. Making visas available for nonpreference immigrants.
Sec. 315. Miscellaneous provisions.

TITLE IV—REPORTS TO CONGRESS

Sec. 401. Triennial comprehensive report on immigration.
Sec. 402. Reports on unauthorized alien employment.
Sec. 403. Reports on H-2A program.
Sec. 404. Reports on legalization program.
Sec. 405. Report on visa waiver pilot program.
Sec. 406. Report on Immigration and Naturalization Service.
Sec. 407. Sense of the Congress.

TITLE V—STATE ASSISTANCE FOR INCARCERATION COSTS OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS

Sec. 501. Reimbursement of States for costs of incarcerating illegal aliens and certain Cuban nationals.

TITLE VI—COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

Sec. 601. Commission for the Study of International Migration and Cooperative Economic Development.

TITLE VII—FEDERAL RESPONSIBILITY FOR DEPORTABLE AND EXCLUDABLE ALIENS CONVICTED OF CRIMES

Sec. 701. Expeditious deportation of convicted aliens.
Sec. 702. Identification of facilities to incarcerate deportable or excludable aliens.

TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

SEC. 101. CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—

(1) NEW PROVISION.—Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

8 USC 1324a. "SEC. 274A. (a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for a person or other entity to hire, or to recruit or refer for a fee, for employment in the United States—

"(A) an alien knowing the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment, or

"(B) an individual without complying with the requirements of subsection (b).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for a person or other entity, after hiring an alien for employment in accordance with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b)

100 STAT. 3361

with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) Use of labor through contract.—For purposes of this section, a person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of this section, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(5) Use of state employment agency documentation.—For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Attorney General), if the person or entity has and retains (for the period and in the manner described in subsection (b)(3)) appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(b) Employment Verification System.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the requirements specified in the following three paragraphs:

"(1) Attestation after examination of documentation.—

"(A) In general.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that it has verified that the individual is not an unauthorized alien by examining—

"(i) a document described in subparagraph (B), or

"(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine. If an individual provides a document or combination of documents that reasonably appears on its face to be genuine and that is sufficient to meet the requirements of such sentence, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce such a document.

"(B) Documents establishing both employment authorization and identity.—A document described in this subparagraph is an individual's—

"(i) United States passport;

"(ii) certificate of United States citizenship;

"(iii) certificate of naturalization;

100 STAT. 3362

"(iv) unexpired foreign passport, if the passport has an appropriate, unexpired endorsement of the Attorney General authorizing the individual's employment in the United States; or

"(v) resident alien card or other alien registration card, if the card—

"(I) contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this subsection, and

"(II) is evidence of authorization of employment in the United States.

"(C) Documents evidencing employment authorization.—A document described in this subparagraph is an individual's—

"(i) social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States);

"(ii) certificate of birth in the United States or establishing United States nationality at birth, which certificate the Attorney General finds, by regulation, to be acceptable for purposes of this section; or

"(iii) other documentation evidencing authorization of employment in the United States which the Attorney General finds, by regulation, to be acceptable for purposes of this section.

"(D) Documents establishing identity of individual.—A document described in this subparagraph is an individual's—

"(i) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section; or

"(ii) in the case of individuals under 16 years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in clause (ii), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification.

"(2) Individual attestation of employment authorization.—The individual must attest, under penalty of perjury on the form designated or established for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment.

"(3) Retention of verification form.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

100 STAT. 3363

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, three years after the date of the recruiting or referral, and

"(B) in the case of the hiring of an individual—

"(i) three years after the date of such hiring, or

"(ii) one year after the date the individual's employment is terminated,

whichever is later.

"(4) Copying of documentation permitted.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(5) Limitation on use of attestation form.—A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(c) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(d) EVALUATION AND CHANGES IN EMPLOYMENT VERIFICATION SYSTEM.—

"(1) PRESIDENTIAL MONITORING AND IMPROVEMENTS IN SYSTEM.—

"(A) MONITORING.—The President shall provide for the monitoring and evaluation of the degree to which the employment verification system established under subsection (b) provides a secure system to determine employment eligibility in the United States and shall examine the suitability of existing Federal and State identification systems for use for this purpose.

"(B) IMPROVEMENTS TO ESTABLISH SECURE SYSTEM.—To the extent that the system established under subsection (b) is found not to be a secure system to determine employment eligibility in the United States, the President shall, subject to paragraph (3) and taking into account the results of any demonstration projects conducted under paragraph (4), implement such changes in (including additions to) the requirements of subsection (b) as may be necessary to establish a secure system to determine employment eligibility in the United States. Such changes in the system may be implemented only if the changes conform to the requirements of paragraph (2).

"(2) RESTRICTIONS ON CHANGES IN SYSTEM.—Any change the President proposes to implement under paragraph (1) in the verification system must be designed in a manner so the verification system, as so changed, meets the following requirements:

"(A) RELIABLE DETERMINATION OF IDENTITY.—The system must be capable of reliably determining whether—

"(i) a person with the identity claimed by an employee or prospective employee is eligible to work, and

100 STAT. 3364

"(ii) the employee or prospective employee is claiming the identity of another individual.

"(B) USING OF COUNTERFEIT-RESISTANT DOCUMENTS.—If the system requires that a document be presented to or examined by an employer, the document must be in a form which is resistant to counterfeiting and tampering.

Public information.

"(C) LIMITED USE OF SYSTEM.—Any personal information utilized by the system may not be made available to Government agencies, employers, and other persons except to the extent necessary to verify that an individual is not an unauthorized alien.

"(D) PRIVACY OF INFORMATION.—The system must protect the privacy and security of personal information and identifiers utilized in the system.

"(E) LIMITED DENIAL OF VERIFICATION.—A verification that an employee or prospective employee is eligible to be employed in the United States may not be withheld or revoked under the system for any reason other than that the employee or prospective employee is an unauthorized alien.

"(F) LIMITED USE FOR LAW ENFORCEMENT PURPOSES.—The system may not be used for law enforcement purposes, other than for enforcement of this Act or sections 1001, 1028, 1546, and 1621 of title 18, United States Code.

"(G) RESTRICTION ON USE OF NEW DOCUMENTS.—If the system requires individuals to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, then such document may not be required to be presented for any purpose other than under this Act (or enforcement of sections 1001, 1028, 1546, and 1621 of title 18, United States Code) nor to be carried on one's person.

"(3) NOTICE TO CONGRESS BEFORE IMPLEMENTING CHANGES.—

President of U.S. Reports.

"(A) IN GENERAL.—The President may not implement any change under paragraph (1) unless at least—

"(i) 60 days,

"(ii) one year, in the case of a major change described in subparagraph (D)(iii), or

"(iii) two years, in the case of a major change described in clause (i) or (ii) of subparagraph (D),

before the date of implementation of the change, the President has prepared and transmitted to the Committee on the Judiciary of the House of Representatives and to the Committee on the Judiciary of the Senate a written report setting forth the proposed change. If the President proposes to make any change regarding social security account number cards, the President shall transmit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a written report setting forth the proposed change. The President promptly shall cause to have printed in the Federal Register the substance of any major change (described in subparagraph (D)) proposed and reported to Congress.

Federal Register, publication.

Classified information.

"(B) CONTENTS OF REPORT.—In any report under subparagraph (A) the President shall include recommendations for the establishment of civil and criminal sanctions for unauthorized use or disclosure of the information or identifiers contained in such system.

100 STAT. 3365

"(C) CONGRESSIONAL REVIEW OF MAJOR CHANGES.—

"(i) HEARINGS AND REVIEW.—The Committees on the Judiciary of the House of Representatives and of the Senate shall cause to have printed in the Congressional Record the substance of any major change described in subparagraph (D), shall hold hearings respecting the feasibility and desirability of implementing such a change, and, within the two year period before implementation, shall report to their respective Houses findings on whether or not such a change should be implemented.

"(ii) CONGRESSIONAL ACTION.—No major change may be implemented unless the Congress specifically provides, in an appropriations or other Act, for funds for implementation of the change.

"(D) MAJOR CHANGES REQUIRING TWO YEARS NOTICE AND CONGRESSIONAL REVIEW.—As used in this paragraph, the term 'major change' means a change which would—

"(i) require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral,

"(ii) provide for a telephone verification system under which an employer, recruiter, or referrer must transmit to a Federal official information concerning the immigration status of prospective employees and the official transmits to the person, and the person must record, a verification code, or

42 USC 301 note.

"(iii) require any change in any card used for accounting purposes under the Social Security Act, including any change requiring that the only social security account number cards which may be presented in order to comply with subsection (b)(1)(C)(i) are such cards as are in a counterfeit-resistant form consistent with the second sentence of section 205(c)(2)(D) of the Social Security Act. 42 USC 405.

"(E) **General revenue funding of social security card changes.**—Any costs incurred in developing and implementing any change described in subparagraph (D)(iii) for purposes of this subsection shall not be paid for out of any trust fund established under the Social Security Act.

"(4) **Demonstration projects.**—

"(A) **Authority.**—The President may undertake demonstration projects (consistent with paragraph (2)) of different changes in the requirements of subsection (b). No such project may extend over a period of longer than three years. President of U.S.

"(B) **Reports on projects.**—The President shall report to the Congress on the results of demonstration projects conducted under this paragraph.

"(e) **Compliance.**—

"(1) **Complaints and investigations.**—The Attorney General shall establish procedures—

"(A) for individuals and entities to file written, signed complaints respecting potential violations of subsection (a),

"(B) for the investigation of those complaints which, on their face, have a substantial probability of validity,

"(C) for the investigation of such other violations of subsection (a) as the Attorney General determines to be appropriate, and

"(D) for the designation in the Service of a unit which has, as its primary duty, the prosecution of cases of violations of subsection (a) under this subsection.

"(2) **Authority in investigations.**—In conducting investigations and hearings under this subsection—

"(A) immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated, and

"(B) administrative law judges may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(3) **Hearing.**—

"(A) **In general.**—Before imposing an order described in paragraph (4) or (5) against a person or entity under this subsection for a violation of subsection (a), the Attorney General shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

"(B) **Conduct of hearing.**—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the Attorney General's imposition of the order shall constitute a final and unappealable order.

"(C) **Issuance of orders.**—If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity named in the complaint has violated subsection (a), the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (4) or (5).

"(4) **Cease and desist order with civil money penalty for hiring, recruiting, and referral violations.**—With respect to a violation of subsection (a)(1)(A) or (a)(2), the order under this subsection—

"(A) shall require the person or entity to cease and desist from such violations and to pay a civil penalty in an amount of—

"(i) not less than $250 and not more than $2,000 for each unauthorized alien with respect to whom a violation of either such subsection occurred,

"(ii) not less than $2,000 and not more than $5,000 for each such alien in the case of a person or entity previously subject to one order under this subparagraph, or

"(iii) not less than $3,000 and not more than $10,000 for each such alien in the case of a person or entity previously subject to more than one order under this subparagraph; and

"(B) may require the person or entity—

"(i) to comply with the requirements of subsection (b) (or subsection (d) if applicable) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years, and

"(ii) to take such other remedial action as is appropriate.

In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(5) **Order for civil money penalty for paperwork violations.**—With respect to a violation of subsection (a)(1)(B), the order under this subsection shall require the person or entity to pay a civil penalty in an amount of not less than $100 and not more than $1,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, due consideration shall be given to the size of the business of the employer being charged, the good faith of the employer, the seriousness of the violation, whether or not the individual was an unauthorized alien, and the history of previous violations.

"(6) **Administrative appellate review.**—The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless, within 30 days, the Attorney General modifies or vacates the decision and order, in which case the decision and order of the Attorney General shall become a final order under this subsection. The Attorney General may not delegate the Attorney General's authority under this paragraph to any entity which has review authority over immigration-related matters.

"(7) **Judicial review.**—A person or entity adversely affected by a final order respecting an assessment may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

Courts, U.S.

"(8) **Enforcement of orders.**—If a person or entity fails to comply with a final order issued under this subsection against the person or entity, the Attorney General shall file a suit to seek compliance with the order in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final order shall not be subject to review.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $3,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

"(g) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated paragraph (1) shall be subject to a civil penalty of $1,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(h) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

State and local governments.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(3) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.

"(i) EFFECTIVE DATES.—

"(1) 6-MONTH PUBLIC INFORMATION PERIOD.—During the six-month period beginning on the first day of the first month after the date of the enactment of this section—

"(A) the Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for

100 STAT. 3369

public education respecting the requirements of this section, and

"(B) the Attorney General shall not conduct any proceeding, nor issue any order, under this section on the basis of any violation alleged to have occurred during the period.

"(2) 12-MONTH FIRST CITATION PERIOD.—In the case of a person or entity, in the first instance in which the Attorney General has reason to believe that the person or entity may have violated subsection (a) during the subsequent 12-month period, the Attorney General shall provide a citation to the person or entity indicating that such a violation or violations may have occurred and shall not conduct any proceeding, nor issue any order, under this section on the basis of such alleged violation or violations.

"(3) DEFERRAL OF ENFORCEMENT WITH RESPECT TO SEASONAL AGRICULTURAL SERVICES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), before the end of the application period (as defined in subparagraph (C)(i)), the Attorney General shall not conduct any proceeding, nor impose any penalty, under this section on the basis of any violation alleged to have occurred with respect to employment of an individual in seasonal agricultural services.

"(B) PROHIBITION OF RECRUITMENT OUTSIDE THE UNITED STATES.—

"(i) IN GENERAL.—During the application period, it is unlawful for a person or entity (including a farm labor contractor) or an agent of such a person or entity, to recruit an unauthorized alien (other than an alien described in clause (ii)) who is outside the United States to enter the United States to perform seasonal agricultural services.

"(ii) EXCEPTION.—Clause (i) shall not apply to an alien who the person or entity reasonably believes meets the requirements of section 210(a)(2) of this Act (relating to performance of seasonal agricultural services).

Post, p. 3417.

"(iii) PENALTY FOR VIOLATION.—A person, entity, or agent that violates clause (i) shall be deemed to be subject to a order under this section in the same manner as if it had violated paragraph (1)(A), without regard to paragraph (2) of this subsection.

"(C) DEFINITIONS.—In this paragraph:

"(i) APPLICATION PERIOD.—The term 'application period' means the period described in section 210(a)(1).

"(ii) SEASONAL AGRICULTURAL SERVICES.—The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

"(j) GENERAL ACCOUNTING OFFICE REPORTS.—

"(1) IN GENERAL.—Beginning one year after the date of enactment of this Act, and at intervals of one year thereafter for a period of three years after such date, the Comptroller General of the United States shall prepare and transmit to the Congress and to the taskforce established under subsection (k) a report describing the results of a review of the implementation and enforcement of this section during the preceding twelve-month period, for the purpose of determining if—

100 STAT. 3370

"(A) such provisions have been carried out satisfactorily;

"(B) a pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment; and

"(C) an unnecessary regulatory burden has been created for employers hiring such workers.

"(2) DETERMINATION ON DISCRIMINATION.—In each report, the Comptroller General shall make a specific determination as to whether the implementation of that section has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin.

"(3) RECOMMENDATIONS.—If the Comptroller General has determined that such a pattern of discrimination has resulted, the report—

"(A) shall include a description of the scope of that discrimination, and

"(B) may include recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

"(k) REVIEW BY TASKFORCE.—

"(1) ESTABLISHMENT OF JOINT TASKFORCE.—The Attorney General, jointly with the Chairman of the Commission on Civil Rights and the Chairman of the Equal Employment Opportunity Commission, shall establish a taskforce to review each report of the Comptroller General transmitted under subsection (j)(1).

Discrimination, prohibition.

"(2) RECOMMENDATIONS TO CONGRESS.—If the report transmitted includes a determination that the implementation of this section has resulted in a pattern of discrimination in employment (against other than unauthorized aliens) on the basis of national origin, the taskforce shall, taking into consideration any recommendations in the report, report to Congress recommendations for such legislation as may be appropriate to deter or remedy such discrimination.

"(3) CONGRESSIONAL HEARINGS.—The Committees on the Judiciary of the House of Representatives and of the Senate shall hold hearings respecting any report of the taskforce under paragraph (2) within 60 days after the date of receipt of the report.

"(l) TERMINATION DATE FOR EMPLOYER SANCTIONS.—

"(1) IF REPORT OF WIDESPREAD DISCRIMINATION AND CONGRESSIONAL APPROVAL.—The provisions of this section shall terminate 30 calendar days after receipt of the last report required to be transmitted under subsection (j), if—

"(A) the Comptroller General determines, and so reports in such report, that a widespread pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment solely from the implementation of this section; and

"(B) there is enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

"(2) SENATE PROCEDURES FOR CONSIDERATION.—Any joint resolution referred to in clause (B) of paragraph (1) shall be considered in the Senate in accordance with subsection (n).

"(m) EXPEDITED PROCEDURES IN THE HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and adoption of joint resolutions under subsection (l), a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(n) EXPEDITED PROCEDURES IN THE SENATE.—

"(1) CONTINUITY OF SESSION.—For purposes of subsection (l), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

"(2) RULEMAKING POWER.—Paragraphs (3) and (4) of this subsection are enacted—

"(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of joint resolutions referred to in subsection (l), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

"(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

"(3) COMMITTEE CONSIDERATION.—

"(A) MOTION TO DISCHARGE.—If the committee of the Senate to which has been referred a joint resolution relating to the report described in subsection (l) has not reported such joint resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same report which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same report.

"(B) CONSIDERATION OF MOTION.—A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(4) MOTION TO PROCEED TO CONSIDERATION.—

"(A) IN GENERAL.—A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) DEBATE ON RESOLUTION.—Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

100 STAT. 3372

"(C) DEBATE ON MOTION.—Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) MOTIONS TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a joint resolution is in order in the Senate.".

8 USC 1324a note.

(2) INTERIM REGULATIONS.—The Attorney General shall, not later than the first day of the seventh month beginning after the date of the enactment of this Act, first issue, on an interim or other basis, such regulations as may be necessary in order to implement this section.

8 USC 1324a note.
Ante, p. 3360.

(3) Grandfather for current employees.—(A) Section 274A(a)(1) of the Immigration and Nationality Act shall not apply to the hiring, or recruiting or referring of an individual for employment which has occurred before the date of the enactment of this Act.

8 USC 1324a note.

(B) Section 274A(a)(2) of the Immigration and Nationality Act shall not apply to continuing employment of an alien who was hired before the date of the enactment of this Act.

29 USC 1801 note.

(b) Conforming Amendments to Migrant and Seasonal Agricultural Worker Protection Act.—(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

Post, p. 3411.

(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a)";

(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" at the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

Ante, p. 3360.

(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

29 USC 1802 note.

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act.

(c) Conforming Amendment to Table of Contents.—The table of contents is amended by inserting after the item relating to section 274 the following new item:

"Sec. 274A. Unlawful employment of aliens.".

8 USC 1324a note.

(d) Study on the Use of a Telephone Verification System for Determining Employment Eligibility of Aliens.—(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall conduct a study for use by the Department of Justice in determining employment eligibility of aliens in the United States. Such study shall concentrate on those data bases that are currently available to the Federal Government which through the use of a telephone and computation capability could be used to verify instantly the employment eligibility status of job applicants who are aliens.

(2) Such study shall be conducted in conjunction with any existing Federal program which is designed for the purpose of providing information on the resident or employment status of aliens for employers. The study shall include an analysis of costs and benefits which shows the differences in costs and efficiency of having the Federal Government or a contractor perform this service. Such comparisons should include reference to such technical capabilities as processing techniques and time, verification techniques and time, backup safeguards, and audit trail performance.

(3) Such study shall also concentrate on methods of phone verification which demonstrate the best safety and service standards, the least burden for the employer, the best capability for effective enforcement, and procedures which are within the boundaries of the Privacy Act of 1974.

5 USC 552a notes.

(4) Such study shall be conducted within twelve months of the date of enactment of this Act.

Reports.

(5) The Attorney General shall prepare and transmit to the Congress a report—

(A) not later than six months after the date of enactment of this Act, describing the status of such study; and

(B) not later than twelve months after such date, setting forth the findings of such study.

8 USC 1324a note.

(e) **Feasibility Study of Social Security Number Validation System.**—The Secretary of Health and Human Services, acting through the Social Security Administration and in cooperation with the Attorney General and the Secretary of Labor, shall conduct a study of the feasibility and costs of establishing a social security number validation system to assist in carrying out the purposes of section 274A of the Immigration and Nationality Act, and of the privacy concerns that would be raised by the establishment of such a system. The Secretary shall submit to the Committees on Ways and Means and Judiciary of the House of Representatives and to the Committees on Finance and Judiciary of the Senate, within 2 years after the date of the enactment of this Act, a full and complete report on the results of the study together with such recommendations as may be appropriate.

Ante, p. 3360.

42 USC 405 note. Science and technology.

(f) **Counterfeiting of Social Security Account Number Cards.**—(1) The Comptroller General of the United States, upon consultation with the Attorney General and the Secretary of Health and Human Services as well as private sector representatives (including representatives of the financial, banking, and manufacturing industries), shall inquire into technological alternatives for producing and issuing social security account number cards that are more resistant to counterfeiting than social security account number cards being issued on the date of enactment of this Act by the Social Security Administration, including the use of encoded magnetic, optical, or active electronic media such as magnetic stripes, holograms, and integrated circuit chips. Such inquiry should focus on technologies that will help ensure the authenticity of the card, rather than the identity of the bearer.

(2) The Comptroller General of the United States shall explore additional actions that could be taken to reduce the potential for fraudulently obtaining and using social security account number cards.

Reports.

(3) Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and the Committee on the Judiciary and the Committee on Finance of the Senate a report setting forth his findings and recommendations under this subsection.

SEC. 102. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) **In General.**—Chapter 8 of title II is further amended by inserting after section 274A, as inserted by section 101(a), the following new section:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

8 USC 1324b.

"Sec. 274B. (a) **Prohibition of Discrimination Based on National Origin or Citizenship Status.**—

"(1) **General rule.**—It is an unfair immigration-related employment practice for a person or other entity to discriminate against any individual (other than an unauthorized alien) with respect to the hiring, or recruitment or referral for a fee, of the individual for employment or the discharging of the individual from employment—

"(A) because of such individual's national origin, or

"(B) in the case of a citizen or intending citizen (as defined in paragraph (3)), because of such individual's citizenship status.

"(2) **Exceptions.**—Paragraph (1) shall not apply to—

"(A) a person or other entity that employs three or fewer employees, "(B) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is covered under section 703 of the Civil Rights Act of 1964, or

42 USC 2000e–2.
State and local governments.

"(C) discrimination because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government.

"(3) Definition of citizen or intending citizen.—As used in paragraph (1), the term 'citizen or intending citizen' means an individual who—

"(A) is a citizen or national of the United States, or

100 STAT. 3375

"(B) is an alien who—

"(i) is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 245A(a)(1), is admitted as a refugee under section 207, or is granted asylum under section 208, and

8 USC 1255.
8 USC 1157.
8 USC 1158.

"(ii) evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen;

but does not include (I) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section and (II) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.

"(4) Additional exception providing right to prefer equally qualified citizens.—Notwithstanding any other provision of this section, it is not an unfair immigration-related employment practice for a person or other entity to prefer to hire, recruit, or refer an individual who is a citizen or national of the United States over another individual who is an alien if the two individuals are equally qualified.

"(b) Charges of Violations.—

"(1) In general.—Except as provided in paragraph (2), any person alleging that the person is adversely affected directly by an unfair immigration-related employment practice (or a person on that person's behalf) or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel (appointed under subsection (c)). Charges shall be in writing under oath or affirmation and shall contain such information as the Attorney General requires. The Special Counsel by certified mail shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within 10 days.

"(2) No overlap with EEOC complaints.—No charge may be filed respecting an unfair immigration-related employment practice described in subsection (a)(1)(A) if a charge with respect to that practice based on the same set of facts has been filed with the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964, unless the charge is dismissed as being outside the scope of such title. No charge respecting an employment practice may be filed with the Equal Employment Opportunity Commission under such title if a

42 USC 2000e.

charge with respect to such practice based on the same set of facts has been filed under this subsection, unless the charge is dismissed under this section as being outside the scope of this section.

"(c) SPECIAL COUNSEL.—

President of U.S.

100 STAT. 3376

"(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel for Immigration-Related Unfair Employment Practices (hereinafter in this section referred to as the 'Special Counsel') within the Department of Justice to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) DUTIES.—The Special Counsel shall be responsible for investigation of charges and issuance of complaints under this section and in respect of the prosecution of all such complaints before administrative law judges and the exercise of certain functions under subsection (j)(1).

"(3) COMPENSATION.—The Special Counsel is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) REGIONAL OFFICES.—The Special Counsel, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

"(d) INVESTIGATION OF CHARGES.—

"(1) BY SPECIAL COUNSEL.—The Special Counsel shall investigate each charge received and, within 120 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before an administrative law judge. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to paragraph (3), file a complaint before such a judge.

"(2) PRIVATE ACTIONS.—If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice which alleges knowing and intentional discriminatory activity or a pattern or practice of discriminatory activity, has not filed a complaint before an administrative law judge with respect to such charge within such 120-day period, the person making the charge may (subject to paragraph (3)) file a complaint directly before such a judge.

"(3) TIME LIMITATIONS ON COMPLAINTS.—No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel. This subparagraph shall not prevent the subsequent amending of a charge or complaint under subsection (e)(1).

"(e) HEARINGS.—

"(1) NOTICE.—Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, an administrative law judge shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing, upon the motion of the party filing the complaint, in the judge's discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(2) JUDGES HEARING CASES.—Hearings on complaints under this subsection shall be considered before administrative law judges who are specially designated by the Attorney General as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(3) COMPLAINANT AS PARTY.—Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a party to any complaint before an administrative law judge respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the judge conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(f) TESTIMONY AND AUTHORITY OF HEARING OFFICERS.—

"(1) TESTIMONY.—The testimony taken by the administrative law judge shall be reduced to writing. Thereafter, the judge, in his discretion, upon notice may provide for the taking of further testimony or hear argument.

"(2) AUTHORITY OF ADMINISTRATIVE LAW JUDGES.—In conducting investigations and hearings under this subsection and in accordance with regulations of the Attorney General, the Special Counsel and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated. The administrative law judges by subpoena may compel the attendance of witnesses and the production of evidence at any designated place or hearing. In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(g) DETERMINATIONS.—

"(1) ORDER.—The administrative law judge shall issue and cause to be served on the parties to the proceeding an order, which shall be final unless appealed as provided under subsection (i).

"(2) ORDERS FINDING VIOLATIONS.—

"(A) IN GENERAL.—If, upon the preponderance of the evidence, an administrative law judge determines that that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice.

"(B) CONTENTS OF ORDER.—Such an order also may require the person or entity—

"(i) to comply with the requirements of section 274A(b) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years; *Ante*, p. 3360.

"(ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 274(b)(5), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States; 8 USC 1324.

"(iii) to hire individuals directly and adversely affected, with or without back pay; and "(iv)(I) except as provided in subclause (II), to pay a civil penalty of not more than $1,000 for each individual discriminated against, and

"(II) in the case of a person or entity previously subject to such an order, to pay a civil penalty of not more than $2,000 for each individual discriminated against.

"(C) LIMITATION ON BACK PAY REMEDY.—In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the date of the filing of a charge with an administrative law judge. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals discriminated against shall operate to reduce the back pay otherwise allowable under such subparagraph. No order shall require the hiring of an individual as an employee or the payment to an individual of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

"(D) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physicially separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) ORDERS NOT FINDING VIOLATIONS.—If upon the preponderance of the evidence an administrative law judge determines that the person or entity named in the complaint has not engaged or is not engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(h) AWARDING OF ATTORNEYS' FEES.—In any complaint respecting an unfair immigration-related employment practice, an administrative law judge, in the judge's discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee, if the losing party's argument is without reasonable foundation in law and fact.

"(i) REVIEW OF FINAL ORDERS.—

"(1) IN GENERAL.—Not later than 60 days after the entry of such final order, any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

"(2) FURTHER REVIEW.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

100 STAT. 3379

"(j) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

"(1) IN GENERAL.—If an order of the agency is not appealed under subsection (i)(1), the Special Counsel (or, if the Special Counsel fails to act, the person filing the charge) may petition the United States district court for the district in which a violation of the order is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the administrative law judge, by filing in such court a written petition praying that such order be enforced.

"(2) COURT ENFORCEMENT ORDER.—Upon the filing of such petition, the court shall have jurisdiction to make and enter a decree enforcing the order of the administrative law judge. In such a proceeding, the order of the administrative law judge shall not be subject to review.

"(3) ENFORCEMENT DECREE IN ORIGINAL REVIEW.—If, upon appeal of an order under subsection (i)(1), the United States court of appeals does not reverse such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the administrative law judge.

"(4) AWARDING OF ATTORNEY'S FEES.—In any judicial proceeding under subsection (i) or this subsection, the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs but only if the losing party's argument is without reasonable foundation in law and fact.

"(k) TERMINATION DATES.—

"(1) This section shall not apply to discrimination in hiring, recruiting, referring, or discharging of individuals occurring after the date of any termination of the provisions of section 274A, under subsection (l) of that section. *Ante*, p. 3360.

"(2) The provisions of this section shall terminate 30 calendar days after receipt of the last report required to be transmitted under section 274A(j) if—

"(A) the Comptroller General determines, and so reports in such report that—

"(i) no significant discrimination has resulted, against citizens or nationals of the United States or against any eligible workers seeking employment, from the implementation of section 274A, or

"(ii) such section has created an unreasonable burden on employers hiring such workers; and

"(B) there has been enacted, within such period of 30 calendar days, a joint resolution stating in substance that the Congress approves the findings of the Comptroller General contained in such report.

The provisions of subsections (m) and (n) of section 274A shall apply to any joint resolution under subparagraph (B) in the same manner as they apply to a joint resolution under subsection (l) of such section.".

(b) NO EFFECT ON EEOC AUTHORITY.—Except as may be specifically provided in this section, nothing in this section shall be construed to restrict the authority of the Equal Employment Opportunity Commission to investigate allegations, in writing and under oath or affirmation, of unlawful employment practices, as provided in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5), or any other authority provided therein. 8 USC 1324b note.

(c) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 274A (as added by section 101(c)) the following new item:

"Sec. 274B. Unfair immigration-related employment practices.".

SEC. 103. FRAUD AND MISUSE OF CERTAIN IMMIGRATION-RELATED DOCUMENTS.

(a) APPLICATION TO ADDITIONAL DOCUMENTS.—Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registra-

tion receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(4) by striking out "$2,000" and inserting in lieu thereof "in accordance with this title";

(5) by inserting "(a)" before "Whoever" the first place it appears; and

(6) by adding at the end the following new subsections:

"(b) Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

"(2) an identification document knowing (or having reason to know) that the document is false, or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined in accordance with this title, or imprisoned not more than two years, or both.

Ante, p. 3360.

"(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

(b) Clerical Amendment.—The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents.".

100 STAT. 3381

Part B—Improvement of Enforcement and Services

8 USC 1101 note.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) Two Essential Elements.—It is the sense of Congress that two essential elements of the program of immigration control established by this Act are—

(1) an increase in the border patrol and other inspection and enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States and the violation of the terms of their entry, and

(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act.

8 USC 1101 note.

(b) Increased Authorization of Appropriations for INS and EOIR.—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

(1) for the Immigration and Naturalization Service, for fiscal year 1987, $422,000,000, and for fiscal year 1988, $419,000,000; and

(2) for the Executive Office of Immigration Review, for fiscal year 1987, $12,000,000, and for fiscal year 1988, $15,000,000.

Of the amounts authorized to be appropriated under paragraph (1) sufficient funds shall be available to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in each of fiscal years 1987 and 1988 is at least 50 percent higher than such level for fiscal year 1986.

Community development.

(c) Use of Funds for Improved Services.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach may include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

(d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR WAGE AND HOUR ENFORCEMENT.—There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department in order to deter the employment of unauthorized aliens and remove the economic incentive for employers to exploit and use such aliens.

SEC. 112. UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES.

(a) CRIMINAL PENALTIES.—Subsection (a) of section 274 (8 U.S.C. 1324) is amended to read as follows:

"(a) CRIMINAL PENALTIES.—(1) Any person who—

"(A) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

"(B) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

"(C) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation; or

"(D) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law,

shall be fined in accordance with title 18, United States Code, imprisoned not more than five years, or both, for each alien in respect to whom any violation of this subsection occurs.

"(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved—

"(A) be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both; or

"(B) in the case of—

"(i) a second or subsequent offense,

"(ii) an offense done for the purpose of commercial advantage or private financial gain, or

"(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.".

(b) MISCELLANEOUS AMENDMENTS TO SEIZURE AND FORFEITURE PROCEDURES.—Subsection (b) of such section is amended—

(1) in paragraph (1) before subparagraph (A) by striking out "is used" and inserting in lieu thereof "has been or is being used",

(2) by striking out "subject to seizure and" in paragraph (1) and inserting in lieu thereof "seized and subject to",

(3) by inserting "or is being" after "has been" in paragraph (2),

(4) by striking out "conveyances" in paragraph (3) and inserting in lieu thereof "property",

100 STAT. 3383

(5) by inserting ", or the Federal Maritime Commission if appropriate under section 203(i) of the Federal Property and Administrative Services Act of 1949," in paragraph (4)(C) after "General Services Administration",

40 USC 484.

(6) in paragraph (4)—

(A) by striking out "or" at the end of subparagraph (B),

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or", and

(C) by inserting after such subparagraph the following new subparagraph:

"(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.";

(7) by striking out ": *Provided*, That" in paragraph (5) and inserting in lieu thereof ", except that",

(8) by striking out "was not lawfully entitled to enter, or reside within, the United States" in paragraph (5) and inserting in lieu thereof "had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law" each place it appears, and

(9) by inserting "or of the Department of State" in paragraph (5)(B) after "Service".

SEC. 113. IMMIGRATION EMERGENCY FUND.

Section 404 (8 U.S.C. 1101 note) is amended by inserting "(a)" after "SEC. 404." and by adding at the end the following new subsection:

Appropriation authorization.
State and local governments.

"(b) There are authorized to be appropriated to an immigration emergency fund, to be established in the Treasury, $35,000,000, to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such fund with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.".

SEC. 114. LIABILITY OF OWNERS AND OPERATORS OF INTERNATIONAL BRIDGES AND TOLL ROADS TO PREVENT THE UNAUTHORIZED LANDING OF ALIENS.

Section 271 (8 U.S.C. 1321) is amended by inserting at the end the following new subsection:

"(c)(1) Any owner or operator of a railroad line, international bridge, or toll road who establishes to the satisfaction of the Attorney General that the person has acted diligently and reasonably to fulfill the duty imposed by subsection (a) shall not be liable for the penalty described in such subsection, notwithstanding the failure of the person to prevent the unauthorized landing of any alien.

"(2)(A) At the request of any person described in paragraph (1), the Attorney General shall inspect any facility established, or any method utilized, at a point of entry into the United States by such person for the purpose of complying with subsection (a). The Attorney General shall approve any such facility or method (for such period of time as the Attorney General may prescribe) which the Attorney General determines is satisfactory for such purpose.

100 STAT. 3384

"(B) Proof that any person described in paragraph (1) has diligently maintained any facility, or utilized any method, which has been approved by the Attorney General under subparagraph (A) (within the period for which the approval is effective) shall be prima facie evidence that such person acted diligently and reasonably to fulfill the duty imposed by subsection (a) (within the meaning of paragraph (1) of this subsection).".

SEC. 115. ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES.

It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly, and

(2) in the enforcement of such laws, the Attorney General shall take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

SEC. 116. RESTRICTING WARRANTLESS ENTRY IN THE CASE OF OUTDOOR AGRICULTURAL OPERATIONS.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this section other than paragraph (3) of subsection (a), an officer or employee of the Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States.".

SEC. 117. RESTRICTIONS ON ADJUSTMENT OF STATUS.

Section 245(c)(2) (8 U.S.C. 1255(c)(2) is amended by inserting after "hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status" the following: "or who is not in legal immigration status on the date of filing the application for adjustment of status or who has failed (other than through no fault of his own for technical reasons) to maintain continuously a legal status since entry into the United States".

PART C—VERIFICATION OF STATUS UNDER CERTAIN PROGRAMS

SEC. 121. VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS.

(a) REQUIRING IMMIGRATION STATUS VERIFICATION.—

(1) UNDER AFDC, MEDICAID, UNEMPLOYMENT COMPENSATION, AND FOOD STAMP PROGRAMS.—Section 1137 of the Social Security Act (42 U.S.C. 1320b-7) is amended—

(A) in the matter in subsection (a) before paragraph (1), by inserting "which meets the requirements of subsection (d) and" after "income and eligibility verification system",

(B) in subsection (b), by striking out "income verification system" in the matter preceding paragraph (1) and inserting in lieu thereof "income and eligibility verification system", and

(C) by adding at the end the following new subsections:

State and local governments.

"(d) The requirements of this subsection, with respect to an income and eligibility verification system of a State, are as follows:

Children and youth.

100 STAT. 3385

"(1)(A) The State shall require, as a condition of an individual's eligibility for benefits under any program listed in subsection (b), a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection—

"(i) in the case of the program described in subsection (b)(1), any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's being considered a dependent child or to the individual's being treated as a caretaker relative or other person whose needs are to be taken into account in making the determination under section 402(a)(7),

8 USC 1546.

"(ii) in the case of the program described in subsection (b)(4)—

"(I) any reference to the State shall be considered a reference to the State agency, and

"(II) any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's eligibility to participate in the program as a member of a household, and

"(III) the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for benefits under the applicable program.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the State shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for benefits, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the State—

"(i) shall provide a reasonable opportunity to submit to the State evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the State determines constitutes reasonable evidence indicating such status—

"(i) the State shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification, "(ii) pending such verification, the State may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status, and

"(iii) the State shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the State determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status under the applicable program—

"(A) the State shall deny or terminate the individual's eligibility for benefits under the program, and

"(B) the applicable fair hearing process shall be made available with respect to the individual.

"(e) Each Federal agency responsible for administration of a program described in subsection (b) shall not take any compliance, disallowance, penalty, or other regulatory action against a State with respect to any error in the State's determination to make an individual eligible for benefits based on citizenship or immigration status—

"(1) if the State has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the State, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the State, under subsection (d)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the State's request for official verification of the immigration status of the individual, or

"(4) because of a fair hearing process described in subsection (d)(5)(B).".

(2) UNDER HOUSING ASSISTANCE PROGRAMS.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsections:

"(d) The following conditions apply with respect to financial assistance being provided for the benefit of an individual:

Children and youth.

"(1)(A) There must be a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for financial assistance.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the Secretary determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the Secretary shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for financial assistance, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the Secretary—

"(i) shall provide a reasonable opportunity to submit to the Secretary evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the Secretary determines constitutes reasonable evidence indicating such status—

"(i) the Secretary shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the Secretary may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status, and

"(iii) the Secretary shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the Secretary determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

"(A) the Secretary shall deny or terminate the individual's eligibility for financial assistance, and

"(B) the applicable fair hearing process shall be made available with respect to the individual.

In this subsection and subsection (e), the term 'Secretary' refers to the Secretary and to a public housing authority or other entity which makes financial assistance available.

"(e) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an entity with respect to any error in the entity's determination to make an individual eligible for financial assistance based on citizenship or immigration status—

"(1) if the entity has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the entity, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the entity, under subsection (d)(4)(B)(ii), was required to wait for the response to the Immigration and Naturalization Service to the entity's request for official verification of the immigration status of the individual, or

"(4) because of a fair hearing process described in subsection (d)(5)(B).".

Ante, p. 1480.

(3) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by adding at the end the following new subsections:

"(c) The following conditions apply with respect to an individual's receipt of any grant, loan, or work assistance under this title as a student at an institution of higher education:

Grants.
Loans.

"(1)(A) There must be a declaration in writing to the institution by the student, under penalty of perjury, stating whether or not the student is a citizen or national of the United States, and, if the student is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the student ineligible for a grant, loan, or work assistance under this title.

"(2) If the student is not a citizen or national of the United States, there must be presented to the institution either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the institution determines (in accordance with guidelines of the Secretary) constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the institution shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with institutions) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the institution—

"(i) shall provide a reasonable opportunity to submit to the institution evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the institution determines constitutes reasonable evidence indicating such status—

"(i) the institution shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the institution may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status, and

"(iii) the institution shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the institution determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

"(A) the institution shall deny or terminate the individual's eligibility for such grant, loan, or work assistance, and

"(B) the fair hearing process (which includes, at a minimum, the requirements of paragraph (6)) shall be made available with respect to the individual.

"(6) The minimal requirements of this paragraph for a fair hearing process are as follows:

"(A) The institution provides the individual concerned with written notice of the determination described in paragraph (5) and of the opportunity for a hearing respecting the determination.

"(B) Upon timely request by the individual, the institution provides a hearing before an official of the institution at which the individual can produce evidence of a satisfactory immigration status.

"(C) Not later than 45 days after the date of an individual's request for a hearing, the official will notify the individual in writing of the official's decision on the appeal of the determination.

"(d) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an institution of higher education with respect to any error in the institution's determination to make a student eligible for a grant, loan, or work assistance based on citizenship or immigration status—

"(1) if the institution has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the institution, under subsection (c)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the institution, under subsection (c)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the institution's request for official verification of the immigration status of the student, or

"(4) because of a fair hearing process described in subsection (c)(5)(B).

"(e) Notwithstanding subsection (c), if—

"(1) a guaranty is made under this title for a loan made with respect to an individual,

"(2) at the time the guaranty is entered into, the provisions of subsection (c) had been complied with,

"(3) amounts are paid under the loan subject to such guaranty, and

"(4) there is a subsequent determination that, because of an unsatisfactory immigration status, the individual is not eligible for the loan,

the official of the institution making the determination shall notify and instruct the entity making the loan to cease further payments under the loan, but such guaranty shall not be voided or otherwise nullified with respect to such payments made before the date of the entity receives the notice.".

(b) PROVIDING 100 PERCENT REIMBURSEMENT FOR COSTS OF IMPLEMENTATION AND OPERATION.—

(1) UNDER AFDC PROGRAM.—Section 403(a)(3) of the Social Security Act is amended by inserting before subparagraph (B) the following new subparagraph:

42 USC 603.

"(A) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d),".

(2) UNDER MEDICAID PROGRAM.—Section 1903(a) of such Act is amended by inserting after paragraph (3) the following new paragraph:

42 USC 1396b.

"(4) an amount equal to 100 percent of the sums expended during the quarter which are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus".

42 USC 1320b-7.

(3) UNDER UNEMPLOYMENT COMPENSATION PROGRAM.—The first sentence of section 302(a) of such Act is amended by inserting before the period at the end the following: ", including 100 percent of so much of the reasonable expenditures of the State as are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d)".

42 USC 502.

100 STAT. 3391

(4) UNDER CERTAIN TERRITORIAL ASSISTANCE PROGRAMS.—Sections 3(a)(4), 1003(a)(3), 1403(a)(3), and 1603(a)(4) of the Social Security Act (as in effect without regard to section 301 of the Social Security Amendments of 1972) are each amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

42 USC 303, 1203, 1353, 1383 note.

42 USC 1381-1383c.

"(B) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus".

(5) UNDER THE FOOD STAMP PROGRAM.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end the following new subsection:

"(h) The Secretary is authorized to pay to each State agency an amount equal to 100 per centum of the costs incurred by the State agency in implementing and operating the immigration status verification system described in section 1137(d) of the Social Security Act.".

State and local governments.

42 USC 1320b-7.

(6) UNDER HOUSING ASSISTANCE PROGRAMS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"PAYMENT FOR IMPLEMENTATION OF IMMIGRATION STATUS VERIFICATION SYSTEM

"SEC. 20. The Secretary is authorized to pay to each public housing authority an amount equal to 100 percent of the costs incurred by the authority in implementing and operating the immigration status verification system under section 214(c) of the Housing and Community Development Act of 1980 with respect to financial assistance made available pursuant to this Act.".

42 USC 1437r.

42 USC 1436a.

(7) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 489(a) of the Higher Education Act of 1965 (20 U.S.C. 1096) is amended by adding at the end the following: "In addition, the Secretary shall provide for payment to each institution of higher education an amount equal to 100 percent of the costs incurred by the institution in implementing and operating the immigration status verification system under section 484(c).".

Ante, p. 1491.

20 USC 1091.

(c) EFFECTIVE DATES.—

State and local governments.

42 USC 1320b-7 note.

(1) IMMIGRATION AND NATURALIZATION SERVICE ESTABLISHING VERIFICATION SYSTEM BY OCTOBER 1, 1987.—The Commissioner of Immigration and Naturalization shall implement a system for the verification of immigration status under paragraphs (3) and (4)(B)(i) of section 1137(d) of the Social Security Act (as amended by this section) so that the system is available to all the States by not later than October 1, 1987. Such system shall not be used by the Immigration and Naturalization Service for administrative (non-criminal) immigration enforcement purposes and shall be implemented in a manner that provides for verification of immigration status without regard to the sex, color, race, religion, or nationality of the individual involved.

42 USC 1320b-7.

Discrimination, prohibition.

42 USC 502 note.

(2) Higher matching effective in fiscal year 1988.—The amendments made by subsection (b) take effect on October 1, 1987.

Effective date.
42 USC 1320b–7 note.

(3) Use of verification system required in fiscal year 1989.—Except as provided in paragraph (4), the amendments made by subsection (a) take effect on October 1. 1988. States have until that date to begin complying with the requirements imposed by those amendments.

100 STAT. 3392

42 USC 1320b–7 note.

(4) Use of verification system not required for a program in certain cases.—

(A) Report to respective congressional committees.—With respect to each covered program (as defined in subparagraph (D)(i)), each appropriate Secretary shall examine and report to the appropriate Committees of the House of Representatives and of the Senate, by not later than April 1, 1988, concerning whether (and the extent to which)—

(i) the application of the amendments made by subsection (a) to the program is cost-effective and otherwise appropriate, and

(ii) there should be a waiver of the application of such amendments under subparagraph (B).

Effective date.

The amendments made by subsection (a) shall not apply with respect to a covered program described in subclause (II), (V), (VI), or (VII) of subparagraph (D)(i) until after the date of receipt of such report with respect to the program.

(B) Waiver in certain cases.—If, with respect to a covered program, the appropriate Secretary determines, on the Secretary's own initiative or upon an application by an administering entity and based on such information as the Secretary deems persuasive (which may include the results of the report required under subsection (d)(1) and information contained in such an application), that—

(i) the appropriate Secretary or the administering entity has in effect an alternative system of immigration status verification which—

(I) is as effective and timely as the system otherwise required under the amendments made by subsection (a) with respect to the program, and

(II) provides for at least the hearing and appeals rights for beneficiaries that would be provided under the amendments made by subsection (a), or

(ii) the costs of administration of the system otherwise required under such amendments exceed the estimated savings,

such Secretary may waive the application of such amendments to the covered program to the extent (by State or other geographic area or otherwise) that such determinations apply.

(C) Basis for determination.—A determination under subparagraph (B)(ii) shall be based upon the appropriate Secretary's estimate of—

(i) the number of aliens claiming benefits under the covered program in relation to the total number of claimants seeking benefits under the program,

(ii) any savings in benefit expenditures reasonably expected to result from implementation of the verification program, and

(iii) the labor and nonlabor costs of administration of the verification system,

the degree to which the Immigration and Naturalization Service is capable of providing timely and accurate information to the administering entity in order to permit a reliable determination of immigration status, and such other factors as such Secretary deems relevant. 100 STAT. 3393

(D) Definitions.—In this paragraph:

(i) The term "covered program" means each of the following programs:

(I) The aid to families with dependent children program under part A of title IV of the Social Security Act. Children and youth. 42 USC 601.

(II) The medicaid program under title XIX of the Social Security Act. Medicaid. 42 USC 1396.

(III) Any State program under a plan approved under title I, X, XIV, or XVI of the Social Security Act. 42 USC 301, 1201, 1351, 1381.

(IV) The unemployment compensation program under section 3304 of the Internal Revenue Code of 1954. 26 USC 3304.

(V) The food stamp program under the Food Stamp Act of 1977. 7 USC 2026.

(VI) The programs of financial assistance for housing subject to section 214 of the Housing and Community Development Act of 1980. 42 USC 1436a.

(VII) The program of grants, loans, and work assistance under title IV of the Higher Education Act of 1965. *Ante*, p. 1308.

(ii) The term "appropriate Secretary" means, with respect to the covered program described in—

(I) subclauses (I) through (III) of clause (i), the Secretary of Health and Human Services;

(II) clause (i)(IV), the Secretary of Labor;

(III) clause (i)(V), the Secretary of Agriculture;

(IV) clause (i)(VI), the Secretary of Housing and Urban Development; and

(V) clause (i)(VII), the Secretary of Education.

(iii) The term "administering entity" means, with respect to the covered program described in—

(I) subclause (I), (II), (III), (IV), or (V) of clause (i), the State agency responsible for the administration of the program in a State;

(II) clause (i)(VI), the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance; and

(III) clause (i)(VII), an institution of higher education involved.

(5) Funds authorized.—Such sums as may be necessary are authorized for the Immigration and Naturalization Service to carry out the purposes of this section.

(d) GAO Reports.— 42 USC 1320b-7 note.

(1) Report on current pilot projects.—The Comptroller General shall—

(A) examine current pilot projects relating to the System for Alien Verification of Eligibility (SAVE) operated by, or through cooperative agreements with, the Immigration and Naturalization Service, and Contracts.

(B) report, not later than October 1, 1987, to Congress and to the Commissioner of the Immigration and Naturalization Service concerning the effectiveness of such projects and 100 STAT. 3394 any problems with the implementation of such projects, particularly as they may apply to implementation of the system referred to in subsection (c)(1).

(2) Report on implementation of verification system.—The Comptroller General shall—

(A) monitor and analyze the implementation of such system,

(B) report to Congress and to the appropriate Secretaries described in subsection (c)(4)(D)(ii), by not later than April 1, 1989, on such implementation, and

(C) include in such report such recommendations for changes in the system as may be appropriate.

TITLE II—LEGALIZATION

SEC. 201. LEGALIZATION OF STATUS.

(a) Providing for Legalization Program.—(1) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE

8 USC 1255a.

"Sec. 245A. (a) Temporary Resident Status.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the alien meets the following requirements:

"(1) Timely application.—

"(A) During application period.—Except as provided in subparagraph (B), the alien must apply for such adjustment during the 12-month period beginning on a date (not later than 180 days after the date of enactment of this section) designated by the Attorney General.

8 USC 1252.

"(B) Application within 30 days of show-cause order.—An alien who, at any time during the first 11 months of the 12-month period described in subparagraph (A), is the subject of an order to show cause issued under section 242, must make application under this section not later than the end of the 30-day period beginning either on the first day of such 18-month period or on the date of the issuance of such order, whichever day is later.

8 USC 1154.

"(C) Information included in application.—Each application under this subsection shall contain such information as the Attorney General may require, including information on living relatives of the applicant with respect to whom a petition for preference or other status may be filed by the applicant at any later date under section 204(a).

"(2) Continuous unlawful residence since 1982.—

"(A) In general.—The alien must establish that he entered the United States before January 1, 1982, and that he has resided continuously in the United States in an unlawful status since such date and through the date the application is filed under this subsection.

100 STAT. 3395

"(B) Nonimmigrants.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

8 USC 1101.

8 USC 1182.

"(C) Exchange visitors.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

"(3) Continuous physical presence since enactment.—

"(A) In general.—The alien must establish that the alien has been continuously physically present in the United States since the date of the enactment of this section.

"(B) TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.—An alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of subparagraph (A) by virtue of brief, casual, and innocent absences from the United States.

"(C) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this subsection.

"(4) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act. 50 USC app. 451.

For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96–422 shall be considered to have entered the United States and to be in an unlawful status in the United States. 8 USC 1522 note.

"(b) SUBSEQUENT ADJUSTMENT TO PERMANENT RESIDENCE AND NATURE OF TEMPORARY RESIDENT STATUS.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

"(A) TIMELY APPLICATION AFTER ONE YEAR'S RESIDENCE.—The alien must apply for such adjustment during the one-year period beginning with the nineteenth month that begins after the date the alien was granted such temporary resident status.

"(B) CONTINUOUS RESIDENCE.—

"(i) IN GENERAL.—The alien must establish that he has continuously resided in the United States since the date the alien was granted such temporary resident status.

"(ii) TREATMENT OF CERTAIN ABSENCES.—An alien shall not be considered to have lost the continuous residence referred to in clause (i) by reason of an absence from the United States permitted under paragraph (3)(A).

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States.

"(D) BASIC CITIZENSHIP SKILLS.—

"(i) IN GENERAL.—The alien must demonstrate that he either—

"(I) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or 8 USC 1423.

"(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

"(ii) EXCEPTION FOR ELDERLY INDIVIDUALS.—The Attorney General may, in his discretion, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older.

"(iii) RELATION TO NATURALIZATION EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

8 USC 1401.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—The Attorney General shall provide for termination of temporary resident status granted an alien under subsection (a)—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status;

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States; or

"(C) at the end of the thirty-first month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under subsection (a)—

"(A) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

100 STAT. 3397

"(B) AUTHORIZATION OF EMPLOYMENT.—The Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(c) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(A) with the Attorney General, or

"(B) with a qualified designated entity, but only if the applicant consents to the forwarding of the application to the Attorney General.

As used in this section, the term "qualified designated entity" means an organization or person designated under paragraph (2).

"(2) DESIGNATION OF QUALIFIED ENTITIES TO RECEIVE APPLICATIONS.—For purposes of assisting in the program of legalization provided under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, and community organizations, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

8 USC 1159, 1255.
3 USC 1255 note.

"(3) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(B) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(4) LIMITATION ON ACCESS TO INFORMATION.—Files and records of qualified designated entities relating to an alien's seeking assistance or information with respect to filing an application under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(5) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (6),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

100 STAT. 3398

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

Law enforcement and crime.

"(6) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) APPLICATION FEES.—

"(A) FEE SCHEDULE.—The Attorney General shall provide for a schedule of fees to be charged for the filing of applications for adjustment under subsection (a) or (b)(1).

"(B) USE OF FEES.— The Attorney General shall deposit payments received under this paragraph in a separate account and amounts in such account shall be available, without fiscal year limitation, to cover administrative and other expenses incurred in connection with the review of applications filed under this section.

"(d) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

8 USC 1151, 1152.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(C)(i), and (b)(2)(B)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

8 USC 1182.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraphs (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges) insofar as it relates to an application for adjustment to permanent residence by an alien other than an alien who is eligible for benefits under title XVI of the Social Security Act or section 212 of Public Law 93-66 for the month in which such alien is granted lawful temporary residence status under subsection (a).

42 USC 1381.
42 USC 1382 note.

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(iii) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance.

8 USC 1182.

"(C) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(e) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(A) and who can establish a prima facie case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a prima facie application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) NO REVIEW FOR LATE FILINGS.—No denial of adjustment of status under this section based on a late filing of an application for such adjustment may be reviewed by a court of the United States or of any State or reviewed in any administrative proceeding of the United States Government.

"(3) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of a determination described in paragraph (1).

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(4) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of deportation under section 106. 8 USC 1105a.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(g) IMPLEMENTATION OF SECTION.—

"(1) REGULATIONS.—The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate, shall prescribe—

"(A) regulations establishing a definition of the term 'resided continuously', as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

"(B) such other regulations as may be necessary to carry out this section.

"(2) CONSIDERATIONS.—In prescribing regulations described in paragraph (1)(A)—

"(A) PERIODS OF CONTINUOUS RESIDENCE.—The Attorney General shall specify individual periods, and aggregate periods, of absence from the United States which will be considered to break a period of continuous residence in the United States and shall take into account absences due merely to brief and casual trips abroad.

"(B) ABSENCES CAUSED BY DEPORTATION OR ADVANCED PAROLE.—The Attorney General shall provide that—

"(i) an alien shall not be considered to have resided continuously in the United States, if, during any period for which continuous residence is required, the alien was outside the United States as a result of a departure under an order of deportation, and

"(ii) any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside the United States for purposes of this section.

"(C) WAIVERS OF CERTAIN ABSENCES.—The Attorney General may provide for a waiver, in the discretion of the Attorney General, of the periods specified under subpara-

100 STAT. 3401

graph (A) in the case of an absence from the United States due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

"(D) USE OF CERTAIN DOCUMENTATION.—The Attorney General shall require that—

"(i) continuous residence and physical presence in the United States must be established through documents, together with independent corroboration of the information contained in such documents, and

"(ii) the documents provided under clause (i) be employment-related if employment-related documents with respect to the alien are available to the applicant.

"(3) INTERIM FINAL REGULATIONS.—Regulations prescribed under this section may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(h) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING CERTAIN PUBLIC WELFARE ASSISTANCE.—

"(1) IN GENERAL.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law—

"(A) except as provided in paragraphs (2) and (3), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government (but in any event including the program of aid to families with dependent children under part A of title IV of the Social Security Act), 42 USC 601.

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and 42 USC 1396.

"(iii) assistance under the Food Stamp Act of 1977; and 7 USC 2026.

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A) and paragraphs (2) and (3), provide that the alien is not eligible for the programs of financial assistance or for medical assistance described in subparagraph (A)(ii) furnished under the law of that State or political subdivision.

Unless otherwise specifically provided by this section or other law, an alien in temporary lawful residence status granted under subsection (a) shall not be considered (for purposes of any law of a State or political subdivision providing for a program of financial assistance) to be permanently residing in the United States under color of law.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983), or 8 USC 1255 note.

100 STAT. 3402

Aged persons.
Blind persons.
Handicapped persons.

"(B) in the case of assistance (other than aid to families with dependent children) which is furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act).

"(3) RESTRICTED MEDICAID BENEFITS.—

"(A) CLARIFICATION OF ENTITLEMENT.—Subject to the restrictions under subparagraph (B), for the purpose of providing aliens with eligibility to receive medical assistance—

"(i) paragraph (1) shall not apply,

"(ii) aliens who would be eligible for medical assistance but for the provisions of paragraph (1) shall be deemed, for purposes of title XIX of the Social Security Act, to be so eligible, and

42 USC 1396.

"(iii) aliens lawfully admitted for temporary residence under this section, such status not having changed, shall be considered to be permanently residing in the United States under color of law.

"(B) Restriction of benefits.—

"(i) Limitation to emergency services and services for pregnant women.—Notwithstanding any provision of title XIX of the Social Security Act (including subparagraphs (B) and (C) of section 1902(a)(10) of such Act), aliens who, but for subparagraph (A), would be ineligible for medical assistance under paragraph (1), are only eligible for such assistance with respect to—

Ante, pp. 201, 208.

"(I) emergency services (as defined for purposes of section 1916(a)(2)(D) of the Social Security Act), and

Ante, p. 209.

"(II) services described in section 1916(a)(2)(B) of such Act (relating to service for pregnant women).

"(ii) No restriction for exempt aliens and children.—The restrictions of clause (i) shall not apply to aliens who are described in paragraph (2) or who are under 18 years of age.

"(C) Definition of medical assistance.—In this paragraph, the term 'medical assistance' refers to medical assistance under a State plan approved under title XIX of the Social Security Act.

42 USC 1396.

"(4) Treatment of certain programs.—Assistance furnished under any of the following provisions of law shall not be construed to be financial assistance described in paragraph (1)(A)(i):

"(A) The National School Lunch Act.

42 USC 1751 note.

"(B) The Child Nutrition Act of 1966.

42 USC 1771 note.

"(C) The Vocational Education Act of 1963.

20 USC 2301 note.

"(D) Chapter 1 of the Education Consolidation and Improvement Act of 1981.

20 USC 3801 *et seq.*

"(E) The Headstart-Follow Through Act.

42 USC 2921.

"(F) The Job Training Partnership Act.

29 USC 1501 note.

"(G) Title IV of the Higher Education Act of 1965.

20 USC 1070.

"(H) The Public Health Service Act.

42 USC 201 note.

"(I) Titles V, XVI, and XX, and parts B, D, and E of title IV, of the Social Security Act (and titles I, X, XIV, and XVI of such Act as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972).

42 USC 701, 1381, 1397, 620, 651, 670.

42 USC 301, 1201, 1351, 1381.

42 USC 1381–1383e.

"(5) Adjustment not affecting Fascell-Stone benefits.—For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

8 USC 1522 note.

100 STAT. 3403

"(i) Dissemination of Information on Legalization Program.—Beginning not later than the date designated by the Attorney General under subsection (a)(1)(A), the Attorney General, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits.".

(2) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence.".

(b) Conforming Amendments.—(1) Section 402 of the Social Security Act is amended by adding at the end thereof the following new subsection:

Children and youth.
42 USC 602.

"(f)(1) For temporary disqualification of certain newly legalized aliens from receiving aid to families with dependent children, see subsection (h) of section 245A of the Immigration and Nationality Act. *Ante*, p. 3394.

"(2) In any case where an alien disqualified from receiving aid under such subsection (h) is the parent of a child who is not so disqualified and who (without any adjustment of status under such section 245A) is considered a dependent child under subsection (a)(33), or is the brother or sister of such a child, subsection (a)(38) shall not apply, and the needs of such alien shall not be taken into account in making the determination under subsection (a)(7) with respect to such child, but the income of such alien (if he or she is the parent of such child) shall be included in making such determination to the same extent that income of a stepparent is included under subsection (a)(31).".

42 USC 672.

(2)(A) Section 472(a) of such Act is amended by adding at the end thereof (after and below paragraph (4)) the following new sentence: "In any case where the child is an alien disqualified under section 245A(h) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which such agreement was entered into or court proceedings leading to the removal of the child from the home were instituted, such child shall be considered to satisfy the requirements of paragraph (4) (and the corresponding requirements of section 473(a)(1)(B)), with respect to that month, if he or she would have satisfied such requirements but for such disqualification.".

42 USC 673.

(B) Section 473(a)(1) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"The last sentence of section 472(a) shall apply, for purposes of subparagraph (B), in any case where the child is an alien described in that sentence.".

8 USC 1255a note.

(c) MISCELLANEOUS PROVISIONS.—

(1) PROCEDURES FOR PROPERTY ACQUISITION OR LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend from the appropriation provided for the administration and enforcement of the Immigration and Nationality Act, such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of this section. This authority shall end two years after the effective date of the legalization program.

8 USC 1101 note.

100 STAT. 3404

(2) USE OF RETIRED FEDERAL EMPLOYEES.—Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government who retired on or before January 1, 1986, shall not be reduced while such individual is temporarily employed by the Immigration and Naturalization Service for a period of not to exceed 18 months to perform duties in connection with the adjustment of status of aliens under this section. The Service shall not temporarily employ more than 300 individuals under this paragraph. Notwithstanding any other provision of law, the annuity of a retired employee of the Federal Government shall not be increased or redetermined under chapter 83 or 84 of title 5, United States Code, as a result of a period of temporary employment under this paragraph.

5 USC 8301 *et seq.; ante*, p. 516.

8 USC 1255a note.

SEC. 202. CUBAN-HAITIAN ADJUSTMENT.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (16), (17), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply; 8 USC 1182.

(3) the alien is not an alien described in section 243(h)(2) of such Act; 8 USC 1253.

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) Aliens Eligible for Adjustment of Status.—The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) No Affect on Fascell-Stone Benefits.—An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section. 8 USC 1522 note.

(d) Record of Permanent Residence as of January 1, 1982.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

100 STAT. 3405

(e) No Offset in Number of Visas Available.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee. 8 USC 1101 note.

(f) Application of Immigration and Nationality Act Provisions.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 203. UPDATING REGISTRY DATE TO JANUARY 1, 1972.

(a) In General.—Section 249 (8 U.S.C. 1259) is amended—

(1) by striking out "JUNE 30, 1948" in the heading and inserting in lieu thereof "JANUARY 1, 1972", and

(2) by striking out "June 30, 1948" in paragraph (a) and inserting in lieu thereof "January 1, 1972".

(b) Conforming Amendment to Table of Contents.—The item in the table of contents relating to section 249 is amended by striking out "June 30, 1948" and inserting in lieu thereof "January 1, 1972".

8 USC 1259 note.
8 USC 1151, 1152.

(c) CLARIFICATION.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act shall not apply to aliens provided lawful permanent resident status under section 249 of that Act.

SEC. 204. STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS.

8 USC 1255a note.

(a) APPROPRIATION OF FUNDS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are appropriated to carry out this section (and including Federal, State, and local administrative costs) $1,000,000,000 (less the amount described in paragraph (2)) for fiscal year 1988 and for each of the three succeeding fiscal years.

(2) OFFSET.—

(A) IN GENERAL.—Subject to subparagraphs (B) through (D), the amount described in this paragraph for a fiscal year is equal to the amount estimated to be expended by the Federal Government in the fiscal year for the programs of financial assistance, medical assistance, and assistance under the Food Stamp Act of 1977 for aliens who would not be eligible for such assistance under paragraph (1)(A) of section 245A(h) of the Immigration and Nationality Act but for the provisions of paragraph (2) or paragraph (3) of such section.

7 USC 2026.
Ante, p. 3394.

100 STAT. 3406

(B) NO OFFSET FOR CERTAIN SSI ELIGIBLE INDIVIDUALS.—The amount described in this paragraph shall not include any amounts attributable to supplemental security benefits paid under title XVI of the Social Security Act or medical assistance furnished under a State plan approved under title XIX of the Social Security Act, in the case of an alien who is determined by the Secretary of Health and Human Services, based on an application for benefits under title XVI of the Social Security Act or section 212 of Public Law 93-66 filed prior to the date designated by the Attorney General in accordance with section 245A(a)(1)(A) of the Immigration and Nationality Act, to be permanently residing in the United States under color of law as provided in section 1614(a)(1)(B)(ii) of the Social Security Act and to be eligible to receive such benefits for the month prior to the month in which such date occurs, for such time as such alien continues without interruption to be eligible to receive such benefits in accordance with the provisions of title XVI of the Social Security Act or section 212 of Public Law 93-66, as appropriate.

42 USC 1381.
42 USC 1396.
42 USC 1382 note.
Ante, p. 3394.
42 USC 1382c.

(C) ESTIMATED INITIAL OFFSET.—For purposes of subparagraph (A), with respect to fiscal year 1988, the amount estimated to be expended is equal to $70,000,000. For subsequent fiscal years, the amount estimated to be expended shall be such estimate as is contained in the annual fiscal budget submitted for that year to the Congress by the President.

(D) ADJUSTMENT FOR ESTIMATES.—If the actual amount of expenditures by the Federal Government described in subparagraph (A) for a fiscal year exceeds, or is less than, the amount estimated to be expended for that year under subparagraph (C) for that year (taking into account any adjustment under this subparagraph), then for the subsequent fiscal year the amount described in this paragraph shall be decreased, or increased, respectively, by the amount of such excess or deficit for that previous fiscal year.

(b) ENTITLEMENT OF STATES.—(1) From the sums appropriated under subsection (a) for a fiscal year (less the amount reserved for Federal administrative costs), the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall allot to each State with an application approved under subsection (d)(1) an amount determined in accordance with a formula, established by the Secretary by regulation, which takes into account—

(A) the number of eligible legalized aliens (as defined in subsection (j)(4)) residing in the State in that fiscal year;

(B) the ratio of the number of eligible legalized aliens in the State to the total number of residents of that State and to the total number of such aliens in all the States in that fiscal year;

(C) the amount of expenditures the State is likely to incur in that fiscal year in providing assistance for eligible legalized aliens for which reimbursement or payment may be made under this section;

(D) the ratio of the amount of such expenditures in the State to the total of all such expenditures in all the States;

(E) adjustments for the difference in previous years between the State's actual expenditures (described in subparagraph (C)) incurred and the allocation provided the State under this section for those years; and

(F) such other factors as the Secretary deems appropriate to provide for an equitable distribution of such amounts.

(2) To the extent that all the funds appropriated under this section for a fiscal year are not otherwise allotted to States either because all the States have not qualified for such allotments under this section for the fiscal year or because some States have indicated in their description of activities that they do not intend to use, in that fiscal year or the succeeding fiscal year, the full amount of such allotments, such excess shall be allotted among the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

(3) In determining the number of eligible legalized aliens for purposes of paragraph (1)(A), the Secretary may estimate such number on the basis of such data as he may deem appropriate.

(4) For each fiscal year the Secretary shall make payments, as provided by section 6503 of title 31, United States Code, to each State from its allotment under this subsection. Any amount paid to a State for any of the following fiscal years and remaining unobligated at the end of such year shall remain available to such State for the purposes for which it was made in subsequent fiscal years, but shall not remain available after September 30, 1994.

(c) PROVIDING ASSISTANCE.—(1) Of the amounts allotted to a State under this section, the State may only use such funds, in accordance with this section—

(A) for reimbursement of the costs of programs of public assistance provided with respect to eligible legalized aliens, for which such aliens were not disqualified under section 245A(h) of the Immigration and Nationality Act at the time of such assistance,

Ante, p. 3394.

(B) for reimbursement of the costs of programs of public health assistance provided to any alien who is, or is applying on a timely basis under section 245A(a) of such Act to become, an eligible legalized alien, and

(C) to make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens.

Subject to paragraph (2), the State may select the distribution of the use of such funds among such purposes.

(2)(A) Subject to subparagraphs (B) and (C), of the amounts allotted to a State under this section in any fiscal year, 10 percent shall be used by the State for reimbursement under paragraph (1)(A), 10 percent shall be used by the State for reimbursement under paragraph (1)(B), and 10 percent shall be used by the State for payments under paragraph (1)(C).

(B) If a State does not require the use of the full 10 percent provided under subparagraph (A) for a particular function described in a subparagraph of paragraph (1) for a fiscal year, the unused portion shall be equally distributed among the two other subparagraphs.

(C) In no case shall the funds provided under this section be used to provide reimbursement for more than 100 percent of the costs described in paragraph (1)(A) or (1)(B).

(3) To the extent that a State provides for the use of funds for the purpose described in paragraph (1)(C), the definitions and provisions

100 STAT. 3408

of the Emergency Immigrant Education Act of 1984 (title VI of Public Law 98-511; 20 U.S.C. 4101 et seq.) shall apply to payments under such paragraph in the same manner as they apply to payments under that Act, except that, in applying this paragraph—

(A) any reference in such Act to "immigrant children" shall be deemed to be a reference to "eligible legalized aliens" (including such aliens who are over 16 years of age) during the 60-month period beginning with the first month in which such an alien is granted temporary lawful residence under section 245A(a) of the Immigration and Nationality Act;

Ante, p. 3394.

(B) in determining the amount of payment with respect to eligible legalized aliens who are over 16 years of age, the phrase "described under paragraph (2)" shall be deemed to be stricken from section 606(b)(1)(A) of such Act (20 U.S.C. 4105(b)(1)(A));

(C) the State educational agency may provide such educational services to adult eligible legalized aliens through local educational agencies and other public and private nonprofit organizations, including community-based organizations of demonstrated effectiveness; and

(D) such services may include English language and other programs designed to enable such aliens to attain the citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act.

(d) STATEMENTS AND ASSURANCES.—(1) No State is eligible for payment under subsection (b) unless the State—

(A) has filed with, and had approved by, the Secretary an application containing such information, including the information described in paragraph (2) and criteria for and administrative methods of disbursing funds received under this section, as the Secretary determines to be necessary to carry out this section, and

(B) transmits to the Secretary a statement of assurances that certifies that (i) funds allotted to the State under this section will only be used to carry out the purposes described in subsection (c)(1), (ii) the State will provide a fair method (as determined by the State) for the allocation of funds among State and local agencies in accordance with paragraph (2) and subsection (c)(2), and (iii) fiscal control and fund accounting procedures will be established that are adequate to meet the requirements of paragraph (2) and subsections (e) and (f).

(2) The application of each State under this subsection for each fiscal year must include detailed information on—

(A) the number of eligible legalized aliens residing in the State, and

(B) the costs (excluding any such costs otherwise paid from Federal funds) which the State and each locality is likely to incur for the purposes described in subsection (c)(1).

(e) REPORTS AND AUDITS.—(1)(A) Each State shall prepare and submit to the Secretary annual reports on its activities under this section. In order to properly evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary—

(i) to secure an accurate description of those activities,

(ii) to secure a complete record of the purposes for which funds were spent, and of the recipients of such funds, and

(iii) to determine the extent to which funds were expended consistent with this section. 100 STAT. 3409

Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activities funded under this section and shall provide for transmittal of a copy of such report to each State.

(2)(A) For requirements relating to audits of funds received by a State under this section, see chapter 75 of title 31, United States Code (relating to requirements for single audit). 31 USC 7501 *et seq.*

(B) Each State shall repay to the United States amounts ultimately found not to have been expended in accordance with this section, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this section.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its allotment under this section in accordance with this section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the assistance provided under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such assistance, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) In conjunction with an evaluation or review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(f) Limitation on Payments.—(1) Payment under this section shall not be made for costs to the extent the costs are otherwise reimbursed or paid for under other Federal programs.

(2) Payment may only be made to a State with respect to costs for assistance of a program of public assistance or a program public health assistance to the extent such assistance is otherwise generally available under such programs to citizens residing in the State.

(g) Criminal Penalties for False Statements.—Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or misrepresentation of a material fact in connection with the furnishing of assistance or services for which payment may be made by a State from funds allotted to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined in accordance with title 18, United States Code, imprisoned for not more than five years, or both.

(h) Anti-Discrimination Provision.—(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

100 STAT. 3410

42 USC 3001 note.

29 USC 794.

20 USC 1681.

42 USC 2000d.

(B) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a State or locality which has been provided payment from an allotment under this section has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation (including one prescribed to carry out paragraph (1)(B)), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

Regulations.

(i) CONSULTATION WITH STATE AND LOCAL OFFICIALS.—In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(j) DEFINITIONS.—For purposes of this section:

8 USC 1101.

(1) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

(2) The term "programs of public assistance" means programs in a State or local jurisdiction which—

(A) provide for cash, medical, or other assistance (as defined by the Secretary) designed to meet the basic subsistence or health needs of individuals,

(B) are generally available to needy individuals residing in the State or locality, and

(C) receive funding from units of State or local government.

(3) The term "programs of public health assistance" means programs in a State or local jurisdiction which—

(A) provide public health services, including immunizations for immunizable diseases, testing and treatment for tuberculosis and sexually-transmitted diseases, and family planning services,

(B) are generally available to needy individuals residing in the State or locality, and

(C) receive funding from units of State or local government.

Ante, p. 3394.

(4) The term "eligible legalized alien" means an alien who has been granted lawful temporary resident status under section 245A of the Immigration and Nationality Act, but only until the end of the five-year period beginning on the date the alien was granted such status.

TITLE III—REFORM OF LEGAL IMMIGRATION

PART A—TEMPORARY AGRICULTURAL WORKERS

SEC. 301. H-2A AGRICULTURAL WORKERS.

(a) PROVIDING NEW "H-2A" NONIMMIGRANT CLASSIFICATION FOR TEMPORARY AGRICULTURAL LABOR.—Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking out "to perform temporary services or labor," in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), of a temporary or seasonal nature, or (b) to perform other temporary service or labor". 26 USC 3121.

(b) INVOLVEMENT OF DEPARTMENTS OF LABOR AND AGRICULTURE IN H-2A PROGRAM.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following: "For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(ii)(a), the term 'appropriate agencies of Government' means the Department of Labor and includes the Department of Agriculture. The provisions of section 216 shall apply to the question of importing any alien as a nonimmigrant under section 101(a)(15)(H)(ii)(a).". *Supra.* *Infra.*

(c) ADMISSION OF H-2A WORKERS.—Chapter 2 of title II is amended by adding after section 215 the following new section:

"ADMISSION OF TEMPORARY H-2A WORKERS

"SEC. 216. (a) CONDITIONS FOR APPROVAL OF H-2A PETITIONS.—(1) A petition to import an alien as an H-2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that— 8 USC 1186.

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and

"(B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

"(2) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a) with respect to an employer if the conditions described in that subsection are not met or if any of the following conditions are met:

"(1) There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2)(A) The employer during the previous two-year period employed H-2A workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers.

"(B) No employer may be denied certification under subparagraph (A) for more than three years for any violation described in such subparagraph.

"(3) The employer has not provided the Secretary with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(4) The Secretary determines that the employer has not made positive recruitment efforts within a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed. Positive recruitment under this paragraph is in addition to, and shall be conducted within the same time period as, the circulation through the interstate employment service system of the employer's job offer. The obligation to engage in positive recruitment under this paragraph shall terminate on the date the H-2A workers depart for the employer's place of employment.

"(c) Special Rules for Consideration of Applications.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification under this section:

"(1) Deadline for filing applications.—The Secretary of Labor may not require that the application be filed more than 60 days before the first date the employer requires the labor or services of the H-2A worker.

"(2) Notice within seven days of deficiencies.—(A) The employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in subsection (a)(1)(A)) for approval.

"(B) If the application does not meet such standards, the notice shall include the reasons therefor and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

"(3) Issuance of certification.—(A) The Secretary of Labor shall make, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1) if—

100 STAT. 3413

"(i) the employer has complied with the criteria for certification (including criteria for the recruitment of eligible individuals as prescribed by the Secretary), and

"(ii) the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary.

In considering the question of whether a specific qualification is appropriate in a job offer, the Secretary shall apply the normal and accepted qualifications required by non-H-2A-employers in the same or comparable occupations and crops.

"(B)(i) For a period of 3 years subsequent to the effective date of this section, labor certifications shall remain effective only if, from the time the foreign worker departs for the employer's place of employment, the employer will provide employment to any qualified United States worker who applies to the employer until 50 percent of the period of the work contract, under which the foreign worker who is in the job was hired, has elapsed. In addition, the employer will offer to provide benefits, wages and working conditions required pursuant to this section and regulations.

"(ii) The requirement of clause (i) shall not apply to any employer who—

"(I) did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor, as defined in section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)), "(II) is not a member of an association which has petitioned for certification under this section for its members, and

"(III) has not otherwise associated with other employers who are petitioning for temporary foreign workers under this section.

"(iii) Six months before the end of the 3-year period described in clause (i), the Secretary of Labor shall consider the findings of the report mandated by section 403(a)(4)(D) of the Immigration Reform and Control Act of 1986 as well as other relevant materials, including evidence of benefits to United States workers and costs to employers, addressing the advisability of continuing a policy which requires an employer, as a condition for certification under this section, to continue to accept qualified, eligible United States workers for employment after the date the H-2A workers depart for work with the employer. The Secretary's review of such findings and materials shall lead to the issuance of findings in furtherance of the Congressional policy that aliens not be admitted under this section unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or service needed and that the employment of the aliens in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed. In the absence of the enactment of Federal legislation prior to three months before the end of the 3-year period described in clause (i) which addresses the subject matter of this subparagraph, the Secretary shall immediately publish the findings required by this clause, and shall promulgate, on an interim or final basis, 100 STAT. 3414
regulations based on his findings which shall be effective no later than three years from the effective date of this section.

"(iv) In complying with clause (i) of this subparagraph, an association shall be allowed to refer or transfer workers among its members: *Provided*, That for purposes of this section an association acting as an agent for its members shall not be considered a joint employer merely because of such referral or transfer.

"(v) United States workers referred or transferred pursuant to clause (iv) of this subparagraph shall not be treated disparately.

"(vi) An employer shall not be liable for payments under section 655.202(b)(6) of title 20, Code of Federal Regulations (or any successor regulation) with respect to an H-2A worker who is displaced due to compliance with the requirement of this subparagraph, if the Secretary of Labor certifies that the H-2A worker was displaced because of the employer's compliance with clause (i) of this subparagraph.

"(vii)(I) No person or entity shall willfully and knowingly withhold domestic workers prior to the arrival of H-2A workers in order to force the hiring of domestic workers under clause (i).

"(II) Upon the receipt of a complaint by an employer that a violation of subclause (I) has occurred the Secretary shall immediately investigate. He shall within 36 hours of the receipt of the complaint issue findings concerning the alleged violation. Where the Secretary finds that a violation has occurred, he shall immediately suspend the application of clause (i) of this subparagraph with respect to that certification for that date of need.

"(4) Housing.—Employers shall furnish housing in accordance with regulations. The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accomodations or other substantially similar class of habitation: *Provided*, That in the absence of applicable local standards, State standards for rental and/or public accomodations or other substantially similar class of habitation shall be met: *Provided further,* That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply: *Provided further,* That the Secretary of Labor shall issue regulations which address the specific requirements of housing for employees principally engaged in the range production of livestock: *Provided further,* That when it is the prevailing practice in the area and occupation of intended employment to provide family housing, family housing shall be provided to workers with families who request it: *And provided further,* That nothing in this paragraph shall require an employer to provide or secure housing for workers who are not entitled to it under the temporary labor certification regulations in effect on June 1, 1986.

Regulations.
Animals.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association of agricultural producers which use agricultural services.

100 STAT. 3415

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its producer members to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the member, the denial shall apply only to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

"(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, had knowledge of, or reason to know of, the violation.

"(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, no individual producer member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the commodity and occupation in which such aliens were employed by the association which was denied certification during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

"(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—(1) Regulations shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or a revocation of such a certification or, at the applicant's request, for a de novo administrative hearing respecting the denial or revocation.

"(2) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of an H-2A worker if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified workers. If the employer asserts that any eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employment-related reasons.

"(f) Violators Disqualified for 5 Years.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(g) Authorizations of Appropriations.—(1) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii)(a), and *Ante*, p. 3411.

"(B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

"(2) The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(3) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(14). 8 USC 1182.

"(4) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under this section.

"(h) Miscellaneous Provisions.—(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A. *Ante*, p. 3411. *Ante*, p. 3360.

State and local governments.

"(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(i) Definitions.—For purposes of this section:

"(1) The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(h)) with respect to that employment.

"(2) The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).".

(d) Effective Date.—The amendments made by this section apply to petitions and applications filed under sections 214(c) and 216 of the Immigration and Nationality Act on or after the first day of the seventh month beginning after the date of the enactment of this Act (hereinafter in this section referred to as the "effective date"). 8 USC 1186 note.

(e) Regulations.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(H)(ii)(a) and 216 of the Immigration and Nationality Act. Notwithstanding 8 USC 1186 note. *Ante*, p. 3411. *Ante*, p. 3411.

any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

President of U.S. 8 USC 1186 note.

(f) SENSE OF CONGRESS RESPECTING CONSULTATION WITH MEXICO.—It is the sense of Congress that the President should establish an

100 STAT. 3417

advisory commission which shall consult with the Governments of Mexico and of other appropriate countries and advise the Attorney General regarding the operation of the alien temporary worker program established under section 216 of the Immigration and Nationality Act.

Ante, p. 3411.

(g) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 215 the following new item:

"Sec. 216. Admission of temporary H-2A workers.".

SEC. 302. LAWFUL RESIDENCE FOR CERTAIN SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—(1) Chapter 1 of title II is amended by adding at the end the following new section:

"SPECIAL AGRICULTURAL WORKERS

8 USC 1160.

"SEC. 210. (a) LAWFUL RESIDENCE.—

"(1) IN GENERAL.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the Attorney General determines that the alien meets the following requirements:

"(A) APPLICATION PERIOD.—The alien must apply for such adjustment during the 18-month period beginning on the first day of the seventh month that begins after the date of enactment of this section.

"(B) PERFORMANCE OF SEASONAL AGRICULTURAL SERVICES AND RESIDENCE IN THE UNITED STATES.—The alien must establish that he has—

"(i) resided in the United States, and

"(ii) performed seasonal agricultural services in the United States for at least 90 man-days,

during the 12-month period ending on May 1, 1986. For purposes of the previous sentence, performance of seasonal agricultural services in the United States for more than one employer on any one day shall be counted as performance of services for only 1 man-day.

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2).

"(2) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence on the following date:

"(A) GROUP 1.—Subject to the numerical limitation established under subparagraph (C), in the case of an alien who has established, at the time of application for temporary residence under paragraph (1), that the alien performed seasonal agricultural services in the United States for at least 90 man-days during each of the 12-month periods ending on May 1, 1984, 1985, and 1986, the adjustment shall occur on the first day after the end of the one-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(B) GROUP 2.—In the case of aliens to which subparagraph (A) does not apply, the adjustment shall occur on the day after the last day of the two-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(C) NUMERICAL LIMITATION.—Subparagraph (A) shall not apply to more than 350,000 aliens. If more than 350,000 aliens meet the requirements of such subparagraph, such subparagraph shall apply to the 350,000 aliens whose applications for adjustment were first filed under paragraph (1) and subparagraph (B) shall apply to the remaining aliens.

"(3) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under paragraph (1), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(5) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under paragraph (1), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—

"(A) WITHIN THE UNITED STATES.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(i) with the Attorney General, or

"(ii) with a designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(B) OUTSIDE THE UNITED STATES.—The Attorney General, in cooperation with the Secretary of State, shall provide a procedure whereby an alien may apply for adjustment of status under subsection (a)(1) at an appropriate consular office outside the United States. If the alien otherwise qualifies for such adjustment, the Attorney General shall provide such documentation of authorization to enter the United States and to have the alien's status adjusted upon entry as may be necessary to carry out the provisions of this section.

"(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, community, farm labor organizations, and associations of agricultural employers, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

8 USC 1159, 1255.
8 USC 1255 note.

"(3) PROOF OF ELIGIBILITY.—

"(A) In general.—An alien may establish that he meets the requirement of subsection (a)(1)(B)(ii) through government employment records, records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Attorney General shall establish special procedures to credit properly work in cases in which an alien was employed under an assumed name.

"(B) Documentation of work history.—(i) An alien applying for adjustment of status under subsection (a)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of man-days (as required under subsection (a)(1)(B)(ii)).

Regulations.

"(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Attorney General.

"(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(B)(ii) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. In such a case, the burden then shifts to the Attorney General to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

"(4) Treatment of applications by designated entities.—Each designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(A)(ii) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(5) Limitation on access to information.—Files and records prepared for purposes of this section by designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(6) Confidentiality of information.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (7),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Law enforcement and crime.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) Penalties for false statements in applications.—

"(A) Criminal penalty.—Whoever—

"(i) files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

"(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(B) Exclusion.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(19).

Law enforcement and crime.
8 USC 1182.

"(c) Waiver of Numerical Limitations and Certain Grounds for Exclusion.—

"(1) Numerical limitations do not apply.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

8 USC 1151, 1152.

"(2) Waiver of grounds for exclusion.—In the determination of an alien's admissibility under subsection (a)(1)(C)—

"(A) Grounds of exclusion not applicable.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

8 USC 1182.

"(B) Waiver of other grounds.—

"(i) In general.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) Grounds that may not be waived.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraph (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges).

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

100 STAT. 3421

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) Special Rule for Determination of Public Charge.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

8 USC 1182.

"(d) Temporary Stay of Exclusion or Deportation and Work Authorization for Certain Applicants.—

"(1) Before application period.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(e) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF EXCLUSION OR DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of exclusion or deportation under section 106.

8 USC 1105a.
Records.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(f) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law, the alien is not eligible for aid under a State plan approved under part A of title IV of the Social Security Act. Notwithstanding the previous sentence, in the case of an alien who would be eligible for aid under a State plan approved under part A of title IV of the Social Security Act but for the previous sentence, the provisions of paragraph (3) of section 245A(h) shall apply in the same manner as they apply with respect to paragraph (1) of such section and, for this purpose, any reference in section 245A(h)(3) to paragraph (1) is deemed a reference to the previous sentence.

42 USC 601.

Ante, p. 3394.

"(g) TREATMENT OF SPECIAL AGRICULTURAL WORKERS.—For all purposes (subject to subsections (b)(3) and (f)) an alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence, such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence (within the meaning of section 101(a)(20)).

8 USC 1101.

"(h) SEASONAL AGRICULTURAL SERVICES DEFINED.—In this section, the term 'seasonal agricultural services' means the performance of field work related to planting, cultural practices, cultivating, growing and harvesting of fruits and vegetables of every kind and other perishable commodities, as defined in regulations by the Secretary of Agriculture.".

(2) The table of contents is amended by inserting after the item relating to section 209 the following new item:

"Sec. 210. Special agricultural workers.".

(b) Conforming Amendments.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act) is amended— 42 USC 602.

(A) by inserting "and subsection (f) of section 210 of such Act" before the period at the end of paragraph (1);

(B) by inserting "or (f)" after "such subsection (h)" in paragraph (2); and

(C) by inserting "or 210" after "such section 245A" in paragraph (2).

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act) is amended by inserting "or 210(f)" after "245A(h)". 42 USC 672.

SEC. 303. DETERMINATIONS OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.

(a) In General.—Chapter 1 of title II is amended by adding after section 210 (added by section 302 of this title) the following new section: 42 USC 401.

"DETERMINATION OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS

"Sec. 210A. (a) Determination of Need to Admit Additional Special Agricultural Workers.— 8 USC 1161.

"(1) In general.—Before the beginning of each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Secretaries of Labor and Agriculture (in this section referred to as the 'Secretaries') shall jointly determine the number (if any) of additional aliens who should be admitted to 100 STAT. 3423 the United States or who should otherwise acquire the status of aliens lawfully admitted for temporary residence under this section during the fiscal year to meet a shortage of workers to perform seasonal agricultural services in the United States during the year. Such number is, in this section, referred to as the 'shortage number'.

"(2) Overall determination.—The shortage number is—

"(A) the anticipated need for special agricultural workers (as determined under paragraph (4)) for the fiscal year, minus

"(B) the supply of such workers (as determined under paragraph (5)) for that year,

divided by the factor (determined under paragraph (6)) for man-days per worker.

"(3) No replenishment if no shortage.—In determining the shortage number, the Secretaries may not determine that there is a shortage unless, after considering all of the criteria set forth in paragraphs (4) and (5), the Secretaries determine that there will not be sufficient able, willing, and qualified workers available to perform seasonal agricultural services required in the fiscal year involved.

"(4) Determination of need.—For purposes of paragraph (2)(A), the anticipated need for special agricultural workers for a fiscal year is determined as follows:

"(A) Base.—The Secretaries shall jointly estimate, using statistically valid methods, the number of man-days of labor performed in seasonal agricultural services in the United States in the previous fiscal year.

"(B) Adjustment for crop losses and changes in industry.—The Secretaries shall jointly—

"(i) increase such number by the number of man-days of labor in seasonal agricultural services in the United

States that would have been needed in the previous fiscal year to avoid any crop damage or other loss that resulted from the unavailability of labor, and

"(ii) adjust such number to take into account the projected growth or contraction in the requirements for seasonal agricultural services as a result of—

"(I) growth or contraction in the seasonal agriculture industry, and

"(II) the use of technologies and personnel practices that affect the need for, and retention of, workers to perform such services.

"(5) DETERMINATION OF SUPPLY.—For purposes of paragraph (2)(B), the anticipated supply of special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall use the number estimated under paragraph (4)(A).

"(B) ADJUSTMENT FOR RETIREMENTS AND INCREASED RECRUITMENT.—The Secretaries shall jointly—

"(i) decrease such number by the number of man-days of labor in seasonal agricultural services in the United States that will be lost due to retirement and movement of workers out of performance of seasonal agricultural services, and

"(ii) increase such number by the number of additional man-days of labor in seasonal agricultural services in the United States that can reasonably be expected to result from the availability of able, willing, qualified, and unemployed special agricultural workers, rural low skill, or manual, laborers, and domestic agricultural workers.

"(C) BASES FOR INCREASED NUMBER.—In making the adjustment under subparagraph (B)(ii), the Secretaries shall consider—

"(i) the effect, if any, that improvements in wages and working conditions offered by employers will have on the availability of workers to perform seasonal agricultural services, taking into account the adverse effect, if any, of such improvements in wages and working conditions on the economic competitiveness of the perishable agricultural industry,

"(ii) the effect, if any, of enhanced recruitment efforts by the employers of such workers and government employment services in the traditional and expected areas of supply of such workers, and

"(iii) the number of able, willing and qualified individuals who apply for employment opportunities in seasonal agricultural services listed with offices of government employment services.

Wages.

"(D) CONSTRUCTION.—Nothing in this subsection shall be deemed to require any individual employer to pay any specified level of wages, to provide any specified working conditions, or to provide for any specified recruitment of workers.

"(6) DETERMINATION OF MAN-DAY PER WORKER FACTOR.—

"(A) FISCAL YEAR 1990.—For fiscal year 1990—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of paragraph (2) the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1989 by special agricultural workers whose status is adjusted under section 210 and who performed seasonal agricultural services in the United States at any time during the fiscal year.

"(ii) LACK OF ADEQUATE INFORMATION.—If the Director determines that—

"(I) the information reported under subsection (b)(2)(A) is not adequate to make a reasonable estimate of the average number described in clause (i), but

"(II) the inadequacy of the information is not due to the refusal or failure of employers to report the information required under subsection (b)(2)(A),

the factor under this paragraph is 90.

"(B) FISCAL YEAR 1991.—For purposes of paragraph (2) for fiscal year 1991, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1990 by special agricultural workers who obtained lawful temporary resident status under this section.

"(C) FISCAL YEARS 1992 AND 1993.—For purposes of paragraph (2) for fiscal years 1992 and 1993, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in each of the two previous fiscal years by special agricultural workers who obtained lawful temporary resident status under this section during either of such fiscal years.

100 STAT. 3425

"(7) EMERGENCY PROCEDURE FOR INCREASE IN SHORTAGE NUMBER.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group or association representing employers (and potential employers) of individuals who perform seasonal agricultural services may request the Secretaries to increase the shortage number for the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant increase in the shortage number due to (i) a significant increase in the need for special agricultural workers in the year, (ii) a significant decrease in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant decrease (below the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

Federal Register, publication.

"(B) NOTICE OF EMERGENCY PROCEDURE.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

Federal Register, publication.

"(C) PROMPT DETERMINATION ON REQUEST.—The Secretaries, not later than 21 days after the date of the receipt of such a request and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the shortage number for the fiscal year shall be increased, to the extent that the Secretaries determine that such an increase is justified based upon the showing and circumstances described in subparagraph (A) and that such an increase takes into account reasonable recruitment efforts having been undertaken.

"(8) PROCEDURE FOR DECREASING MAN-DAYS OF SEASONAL AGRICULTURAL SERVICES REQUIRED IN THE CASE OF OVER-SUPPLY OF WORKERS.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group of special agricultural workers may request the Secretaries to decrease the number of man-days required under subparagraphs (A) and (B) of subsection (d)(2) with respect to the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant decrease in the shortage number due to (i) a significant decrease in the need for special agricultural workers in the year, (ii) a significant increase in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant increase (above the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

Federal Register, publication.

"(B) NOTICE OF REQUEST.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

Federal Register, publication.

"(C) DETERMINATION ON REQUEST.—The Secretaries, before the end of the fiscal year involved and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the number of man-days specified in subparagraphs (A) and (B) of subsection (d)(2) for the fiscal year shall be reduced by the same proportion as the Secretaries determine that a decrease in the shortage number is justified based upon the showing and circumstances described in subparagraph (A).

"(b) ANNUAL NUMERICAL LIMITATION ON ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) ANNUAL NUMERICAL LIMITATION.—

"(A) FISCAL YEAR 1990.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1990 is—

"(i) 95 percent of the number of individuals whose status was adjusted under section 210(a), minus

"(ii) the number estimated under paragraph (3)(A)(i) for fiscal year 1989 (as adjusted in accordance with subparagraph (C)).

"(B) FISCAL YEARS 1991, 1992, AND 1993.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1991, 1992, or 1993 is—

"(i) 90 percent of the number described in this clause for the previous fiscal year (or, for fiscal year 1991, the number described in subparagraph (A)(i)), minus

"(ii) the number estimated under paragraph (3)(A)(i) for the previous fiscal year (as adjusted in accordance with subparagraph (C)).

"(C) ADJUSTMENT TO TAKE INTO ACCOUNT CHANGE IN NUMBER OF H-2 AGRICULTURAL WORKERS.—The number used under subparagraph (A)(ii) or (B)(ii) (as the case may be) shall be increased or decreased to reflect any numerical increase or decrease, respectively, in the number of aliens admitted to perform temporary seasonal agricultural services (as defined in subsection (g)(2)) under section 101(a)(15)(H)(ii)(a) in the fiscal year compared to such number in the previous fiscal year.

Ante, p. 3411.

"(2) REPORTING OF INFORMATION ON EMPLOYMENT.—In the case of a person or entity who employs, during a fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992) in seasonal agricultural services, a special agricultural worker—

"(A) whose status was adjusted under section 210, the person or entity shall furnish an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year, or

"(B) who was admitted or whose status was adjusted under this section, the person or entity shall furnish the alien and an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year.

"(3) ANNUAL ESTIMATE OF EMPLOYMENT OF SPECIAL AGRICULTURAL WORKERS.—

"(A) IN GENERAL.—The Director of the Bureau of the Census shall, before the end of each fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992), estimate—

"(i) the number of special agricultural workers who have performed seasonal agricultural services in the United States at any time during the fiscal year, and

"(ii) for purposes of subsection (a)(5), the average number of man-days of such services certain of such workers have performed in the United States during the fiscal year.

"(B) FURNISHING OF INFORMATION TO DIRECTOR.—The official designated by the Secretaries under paragraph (2) shall furnish to the Director, in such form and manner as the Director specifies, information contained in the certifications furnished to the official under paragraph (2).

"(C) BASIS FOR ESTIMATES.—The Director shall base the estimates under subparagraph (A) on the information furnished under subparagraph (B), but shall take into account (to the extent feasible) the underreporting or duplicate reporting of special agricultural workers who have performed seasonal agricultural services at any time during the fiscal year. The Director shall periodically conduct appropriate surveys, of agricultural employers and others, to ascertain the extent of such underreporting or duplicate reporting.

"(D) REPORT.—The Director shall annually prepare and report to the Congress information on the estimates made under this paragraph.

"(c) ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—For each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Attorney General shall provide for the admission for lawful temporary resident status, or for the adjustment of status to lawful temporary resident status, of a number of aliens equal to the shortage number (if any, determined under subsection (a)) for the fiscal year, or, if less, the numerical limitation established under subsection (b)(1) for the fiscal year. No such alien shall be admitted who is not admissible to the United States as an immigrant, except as otherwise provided under subsection (e).

"(2) ALLOCATION OF VISAS.—The Attorney General shall, in consultation with the Secretary of State, provide such process as may be appropriate for aliens to petition for immigrant visas or to adjust status to become aliens lawfully admitted for temporary residence under this subsection. No alien may be issued a visa as an alien to be admitted under this subsection or may have the alien's status adjusted under this subsection unless the alien has had a petition approved under this paragraph.

"(d) RIGHTS OF ALIENS ADMITTED OR ADJUSTED UNDER THIS SECTION.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (c) to that of an alien lawfully admitted for permanent residence at the end of the 3-year period that begins on the date the alien was granted such temporary resident status.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under subsection (c), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this section, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(4) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (c), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

8 USC 1101.

"(5) EMPLOYMENT IN SEASONAL AGRICULTURAL SERVICES REQUIRED.—

"(A) FOR 3 YEARS TO AVOID DEPORTATION.—In order to meet the requirement of this paragraph (for purposes of this subsection and section 241(a)(20)), an alien, who has obtained the status of an alien lawfully admitted for temporary residence under this section, must establish to the Attorney General that the alien has performed 90 man-days of seasonal agricultural services—

8 USC 1251.

"(i) during the one-year period beginning on the date the alien obtained such status,

"(ii) during the one-year period beginning one year after the date the alien obtained such status, and

"(iii) during the one-year period beginning two years after the date the alien obtained such status.

"(B) FOR 5 YEARS FOR NATURALIZATION.—Notwithstanding any provision in title III, an alien admitted under this section may not be naturalized as a citizen of the United States under that title unless the alien has performed 90 man-days of seasonal agricultural services in each of 5 fiscal years (not including any fiscal year before the fiscal year in which the alien was admitted under this section).

8 USC 1401.

"(C) PROOF.—In meeting the requirements of subparagraphs (A) and (B), an alien may submit such documentation as may be submitted under section 210(b)(3). *Ante*, p. 3417.

"(D) Adjustment of number of man-days required.—The number of man-days specified in subparagraphs (A) and (B) are subject to adjustment under subsection (a)(8).

"(6) Disqualification from certain public assistance.—The provisions of section 245A(h) (other than paragraph (1)(A)(iii)) *Ante*, p. 3394. shall apply to an alien who has obtained the status of an alien lawfully admitted for temporary residence under this section, during the five-year period beginning on the date the alien obtained such status, in the same manner as they apply to an alien granted lawful temporary residence under section 245A; except that, for purposes of this paragraph, assistance furnished under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) shall not be construed to be financial assistance described in section 245A(h)(1)(A)(i). *Ante*, p. 3394.

"(e) Determination of Admissibility of Additional Workers.—In the determination of an alien's admissibility under subsection (c)(1)—

"(1) Grounds of exclusion not applicable.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall 8 USC 1182. not apply.

"(2) Waiver of certain grounds for exclusion.—

"(A) In general.—Except as provided in subparagraph (B), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(B) Grounds that may not be waived.—The following provisions of section 212(a) may not be waived by the Attorney General under subparagraph (A):

"(i) Paragraphs (9) and (10) (relating to criminals).

"(ii) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(iii) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(iv) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) Special rule for determination of public charge.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(3) Medical examination.—The alien shall be required, at the alien's expense, to undergo such a medical examination 100 STAT. 3430 (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(f) Terms of Employment Respecting Aliens Admitted Under This Section.—

"(1) Equal transportation for domestic workers.—If a person employs an alien, who was admitted or whose status is adjusted under subsection (c), in the performance of seasonal agricultural services and provides transportation arrangements or assistance for such workers, the employer must provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed in the performance of seasonal agricultural services.

"(2) Prohibition of false information by certain employers.—A farm labor contractor, agricultural employer, or agricultural association who is an exempt person (as defined in paragraph (5)) shall not knowingly provide false or misleading information to an alien who was admitted or whose status was adjusted under subsection (c) concerning the terms, conditions, or existence of agricultural employment (described in subsection (a), (b), or (c) of section 301 of MASAWPA).

29 USC 1831.

"(3) PROHIBITION OF DISCRIMINATION BY CERTAIN EMPLOYERS.—In the case of an exempt person and with respect to aliens who have been admitted or whose status has been adjusted under subsection (c), the provisions of section 505 of MASAWPA shall apply to any proceeding under or related to (and rights and protections afforded by) this section in the same manner as they apply to proceedings under or related to (and rights and protections afforded by) MASAWPA.

29 USC 1855.

"(4) ENFORCEMENT.—If a person or entity—

"(A) fails to furnish a certificate required under subsection (b)(2) or furnishes false statement of a material fact in such a certificate,

"(B) violates paragraph (1) or (2), or

"(C) violates the provisions of section 505(a) of MASAWPA (as they apply under paragraph (3)),

the person or entity is subject to a civil money penalty under section 503 of MASAWPA in the same manner as if the person or entity had committed a violation of MASAWPA.

29 USC 1853.

"(5) SPECIAL DEFINITIONS.—In this subsection:

"(A) MASAWPA.—The term 'MASAWPA' means the Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470).

29 USC 1801 note.

"(B) The term 'exempt person' means a person or entity who would be subject to the provisions of MASAWPA but for paragraph (1) or (2), or both, of section 4(a) of MASAWPA.

"(g) GENERAL DEFINITIONS.—In this section:

"(1) The term 'special agricultural worker' means an individual, regardless of present status, whose status was at any time adjusted under section 210 or who at any time was admitted or had the individual's status adjusted under subsection (c).

"(2) The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

"(3) The term 'Director' refers to the Director of the Bureau of

100 STAT. 3431

the Census.

"(4) The term 'man-day' means, with respect to seasonal agricultural services, the performance during a calendar day of at least 4 hours of seasonal agricultural services.".

(b) DEPORTATION OF CERTAIN WORKERS WHO FAIL TO PERFORM SEASONAL AGRICULTURAL SERVICES.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out "or" at the end of paragraph (18),

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or", and

(3) by adding at the end the following new paragraph:

"(20) obtains the status of an alien who becomes lawfully admitted for temporary residence under section 210A and fails to meet the requirement of section 210A(d)(5)(A) by the end of the applicable period.".

Ante, p. 3422.

(c) APPLICATION OF CERTAIN STATE ASSISTANCE PROVISIONS.—For purposes of section 204 of this Act (relating to State legalization assistance), the term "eligible legalized alien" includes an alien who becomes an alien lawfully admitted for permanent or temporary residence under section 210 or 210A of the Immigration and Nationality Act, but only until the end of the 5-year period beginning on the date the alien was first granted permanent or temporary resident status.

8 USC 1255a note.

Ante, pp. 3417, 3422.

(d) Clerical Amendment.—The table of contents is amended by inserting after the item relating to section 210 (as inserted by section 302) the following new item:

"Sec. 210A. Determination of agricultural labor shortages and admission of additional special agricultural workers.".

(e) Conforming Amendments.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act and amended by section 302(b)(1) of this Act) is further amended— 42 USC 602.

(A) by striking out "and subsection (f) of section 210 of such Act" in paragraph (1) and inserting in lieu thereof ", subsection (f) of section 210 of such Act, and subsection (d)(7) of section 210A of such Act";

(B) by striking out "such subsection (h) or (f)" in paragraph (2) and inserting in lieu thereof "such subsection (h), (f), or (d)(7)"; and

(C) by striking out "such section 245A or 210" in paragraph (2) and inserting in lieu thereof "such section 245A, 210, or 210A".

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act and amended by section 302(b)(2) of this Act) is further amended by striking out "245A(h) or 210(f)" and inserting in lieu thereof "245A(h), 210(f), or 210A(d)(7)". 42 USC 672.

SEC. 304. COMMISSION ON AGRICULTURAL WORKERS.

(a) Establishment and Composition of Commission.—(1) There is established a Commission on Agricultural Workers (hereinafter in this section referred to as the "Commission"), to be composed of 12 members— 8 USC 1160 note.

(A) six to be appointed by the President,

(B) three to be appointed by the Speaker of the House of Representatives, and

(C) three to be appointed by the President pro tempore of the Senate.

(2) In making appointments under paragraph (1)(A), the President shall consult—

(A) with the Attorney General in appointing two members,

(B) with the Secretary of Labor in appointing two members, and

(C) with the Secretary of Agriculture in appointing two members.

(3) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) Members shall be appointed to serve for the life of the Commission.

(b) Functions of Commission.—(1) The Commission shall review the following:

(A) The impact of the special agricultural worker provisions on the wages and working conditions of domestic farmworkers, on the adequacy of the supply of agricultural labor, and on the ability of agricultural workers to organize.

(B) The extent to which aliens who have obtained lawful permanent or temporary resident status under the special agricultural worker provisions continue to perform seasonal agricultural services and the requirement that aliens who become special agricultural workers under section 210A of the Immigration and Nationality Act perform 90 man-days of seasonal agricultural services for certain periods in order to avoid deportation or to become naturalized. *Ante*, p. 3422.

(C) The impact of the legalization program and the employers' sanctions on the supply of agricultural labor.

(D) The extent to which the agricultural industry relies on the employment of a temporary workforce.

(E) The adequacy of the supply of agricultural labor in the United States and whether this supply needs to be further supplemented with foreign labor and the appropriateness of the numerical limitation on additional special agricultural workers imposed under section 210A(b) of the Immigration and Nationality Act.

(F) The extent of unemployment and underemployment of farmworkers who are United States citizens or aliens lawfully admitted for permanent residence.

(G) The extent to which the problems of agricultural employers in securing labor are related to the lack of modern labor-management techniques in agriculture.

(H) Whether certain geographic regions need special programs or provisions to meet their unique needs for agricultural labor.

(I) Impact of the special agricultural worker provisions on the ability of crops harvested in the United States to compete in international markets.

(2) The Commission shall conduct an overall evaluation of the special agricultural worker provisions, including the process for determining whether or not an agricultural labor shortage exists.

(c) REPORT TO CONGRESS.—The Commission shall report to the Congress not later than five years after the date of the enactment of this Act on its reviews under subsection (b). The Commission shall include in its report recommendations for appropriate changes that should be made in the special agricultural worker provisions.

(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

100 STAT. 3433

5 USC 5332.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS OF COMMISSION.—(1) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and the Vice Chairman of the Commission shall be elected by the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(f) STAFF.—(1) The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment in the competitive service. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(g) AUTHORITY OF COMMISSION.—(1) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) Authorization of Appropriations.—(1) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

100 STAT. 3434

(i) Termination Date.—The Commission shall cease to exist at the end of the 63-month period beginning with the month after the month in which this Act is enacted.

(j) Definitions.—In this section:

(1) The term "employer sanctions" means the provisions of section 274A of the Immigration and Nationality Act. *Ante*, p. 3360.

(2) The term "legalization program" refers to the provisions of section 245A of the Immigration and Nationality Act. *Ante*, p. 3394.

(3) The term "seasonal agricultural services" has the meaning given such term in section 210(h) of the Immigration and Nationality Act. *Ante*, p. 3417.

(4) The term "special agricultural worker provisions" refers to sections 210 and 210A of the Immigration and Nationality Act. *Ante*, p. 3422.

SEC. 305. ELIGIBILITY OF H-2 AGRICULTURAL WORKERS FOR CERTAIN LEGAL ASSISTANCE.

8 USC 1101 note.

A nonimmigrant worker admitted to or permitted to remain in the United States under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20)) for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights as provided in the worker's specific contract under which the nonimmigrant was admitted. *Ante*, p. 3411.

Part B—Other Changes in the Immigration Law

SEC. 311. CHANGE IN COLONIAL QUOTA.

(a) Increase to 5,000.—(1) Section 202(c) (8 U.S.C. 1152(c)) is amended by striking out "six hundred" and inserting in lieu thereof "5,000".

(2) Section 202(e) (8 U.S.C. 1152(e)) is amended by striking out "600" and inserting in lieu thereof "5,000".

(b) Effective Date.—The amendments made by subsection (a) shall apply to fiscal years beginning after the date of the enactment of this Act. 8 USC 1152 note.

SEC. 312. G-IV SPECIAL IMMIGRANTS.

(a) Special Immigrant Status for Certain Officers and Employees of International Organizations and Their Immediate Family Members.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end of the following new subparagraph:

"(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and

100 STAT. 3435

who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

Retirement.

"(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.".

(b) NONIMMIGRANT STATUS FOR CERTAIN PARENTS AND CHILDREN OF ALIENS GIVEN SPECIAL IMMIGRANT STATUS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I).".

SEC. 313. VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS.

(a) ESTABLISHING VISA WAIVER PILOT PROGRAM.—Chapter 2 of title II, as amended by section 301(c), is further amended by adding after section 216 the following new section:

"VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

8 USC 1187.

"SEC. 217. (a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this section referred to as the 'pilot program') under which the requirement of paragraph (26)(B) of section 212(a) may be waived by the Attorney General and the

8 USC 1182.

100 STAT. 3436

Secretary of State, acting jointly and in accordance with this section, in the case of an alien who meets the following requirements:

"(1) SEEKING ENTRY AS TOURIST FOR 90 DAYS OR LESS.—The alien is applying for admission during the pilot program period (as defined in subsection (e)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding 90 days. 8 USC 1101.

"(2) NATIONAL OF PILOT PROGRAM COUNTRY.—The alien is a national of a country which—

"(A) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(B) is designated as a pilot program country under subsection (c).

"(3) EXECUTES ENTRY CONTROL AND WAIVER FORMS.—The alien before the time of such admission—

"(A) completes such immigration form as the Attorney General shall establish under subsection (b)(3), and

"(B) executes a waiver of review and appeal described in subsection (b)(4).

"(4) ROUND-TRIP TICKET.—The alien has a round-trip, nontransferable transportation ticket which—

"(A) is valid for a period of not less than one year,

"(B) is nonrefundable except in the country in which issued or in the country of the alien's nationality or residence,

"(C) is issued by a carrier which has entered into an agreement described in subsection (d), and Contracts.

"(D) guarantees transport of the alien out of the United States at the end of the alien's visit.

"(5) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States. Defense and national security. Safety.

"(6) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

"(b) CONDITIONS BEFORE PILOT PROGRAM CAN BE PUT INTO OPERATION.—

"(1) PRIOR NOTICE TO CONGRESS.—The pilot program may not be put into operation until the end of the 30-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in paragraph (2) is operational and effective and that the form described in paragraph (3) has been produced.

"(2) AUTOMATED DATA ARRIVAL AND DEPARTURE SYSTEM.—The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the pilot program.

"(3) VISA WAIVER INFORMATION FORM.—The Attorney General shall develop a form for use under the pilot program. Such form shall be consistent and compatible with the control system developed under paragraph (2). Such form shall provide for, among other items—

100 STAT. 3437

"(A) a summary description of the conditions for excluding nonimmigrant visitors from the United States under section 212(a) and under the pilot program, 8 USC 1182.

"(B) a description of the conditions of entry with a waiver under the pilot program, including the limitation of such entry to 90 days and the consequences of failure to abide by such conditions, and

"(C) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(4) Waiver of rights.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(c) Designation of Pilot Program Countries.—

"(1) Up to 8 countries.—The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot program countries for purposes of the pilot program.

"(2) Initial qualifications.—For the initial period described in paragraph (4), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) Low nonimmigrant visa refusal rate for previous 2-year period.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) Low nonimmigrant visa refusal rate for each of 2 previous years.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(3) Continuing and subsequent qualifications.—For each fiscal year (within the pilot program period) after the initial period—

"(A) Continuing qualification.—In the case of a country which was a pilot program country in the previous fiscal year, a country may not be designated as a pilot program country unless the sum of—

"(i) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

100 STAT. 3438

"(B) New countries.—In the case of another country, the country may not be designated as a pilot program country unless the following requirements are met:

"(i) Low nonimmigrant visa refusal rate in previous 2-year period.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) Low nonimmigrant visa refusal rate in each of the 2 previous years.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) Initial period.—For purposes of paragraphs (2) and (3), the term 'initial period' means the period beginning at the end of the 30-day period described in subsection (b)(1) and ending on the last day of the first fiscal year which begins after such 30-day period.

"(d) Carrier Agreements.—

"(1) In general.—The agreement referred to in subsection (a)(4)(C) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under the pilot program—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the 90-day period described in subsection (a)(1)(A), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under the pilot program.

"(2) Termination of agreements.—The Attorney General may terminate an agreement under paragraph (1) with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(e) Definition of Pilot Program Period.—For purposes of this section, the term 'pilot program period' means the period beginning at the end of the 30-day period referred to in subsection (b)(1) and ending on the last day of the third fiscal year which begins after such 30-day period.".

(b) Limitation on Stay in United States.—Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.".

Ante, p. 3435.

(c) Prohibition of Adjustment to Immigrant Status.—Section 245(c) (8 U.S.C. 1255(c)), as amended by section 312(b), is further amended by striking out "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217".

100 STAT. 3439

8 USC 1182; *ante*, p. 3435.

(d) Prohibition of Adjustment of Nonimmigrant Status.—Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217.".

(e) Conforming Amendment to Table of Contents.—The table of contents is amended by adding after the item relating to section 216 the following new item:

"Sec. 217 Visa waiver pilot program for certain visitors.".

SEC. 314. MAKING VISAS AVAILABLE TO NONPREFERENCE IMMIGRANTS. 8 USC 1153 note.

(a) Authorization of Additional Visas.—Notwithstanding the numerical limitations in section 201(a) of the Immigration and Nationality Act (8 U.S.C. 1151(a)), but subject to the numerical limitations in section 202 of such Act, there shall be made available to qualified immigrants described in section 203(a)(7) of such Act 5,000 visa numbers in each of fiscal years 1987 and 1988.

8 USC 1152.
8 USC 1153.

(b) Distribution of Visa Numbers.—The Secretary of State shall provide for making visa numbers provided under subsection (a) available in the same manner as visa numbers are otherwise made available to qualified immigrants under section 203(a)(7) of the Immigration and Nationality Act, except that—

(1) the Secretary shall first make such visa numbers available to qualified immigrants who are natives of foreign states the immigration of whose natives to the United States was adversely affected by the enactment of Public Law 89-236, and

8 USC 1151.

(2) within groups of qualified immigrants, such visa numbers shall be made available strictly in the chronological order in which they qualify after the date of the enactment of this Act.

(c) WAIVER OF LABOR CERTIFICATION.—Section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)) shall not apply in the determination of an immigrant's eligibility to receive any visa made available under this section or in the admission of such an immigrant issued such a visa under this section.

(d) APPLICATION OF DEFINITIONS OF IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization.

8 USC 1101 note.

SEC. 315. MISCELLANEOUS PROVISIONS.

(a) EQUAL TREATMENT OF FATHERS.—Section 101(b)(1)(D) (8 U.S.C. 1101(b)(1)(D)) is amended by inserting "or to its natural father if the father has or had a bona fide parent-child relationship with the person" after "natural mother".

(b) SUSPENSION OF DEPORTATION FOR CERTAIN ALIENS.—Section 244(b) (8 U.S.C. 1254(b)), as amended by section 312(c), is further amended by adding at the end the following new paragraph:

100 STAT. 3440

"(3) An alien shall not be considered to have failed to maintain continuous physical presence in the United States under paragraphs (1) and (2) of subsection (a) if the absence from the United States was brief, casual, and innocent and did not meaningfully interrupt the continuous physical presence.".

8 USC 1253 note.

(c) SENSE OF CONGRESS RESPECTING TREATMENT OF CUBAN POLITICAL PRISONERS.—It is the sense of the Congress that the Secretary of State should provide for the issuance of visas to nationals of Cuba who are or were imprisoned in Cuba for political activities without regard to section 243(g) of the Immigration and Nationality Act (8 U.S.C. 1253(g)).

Vessels.
Aircraft and air carriers.
8 USC 1101 note.

(d) DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASES OF STRIKES.—(1) Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act, an alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

(2) Paragraph (1) shall not apply to an alien employee who was employed before the date of the strike concerned and who is seeking admission to enter the United States to continue to perform services as a crewman to the same extent and on the same routes as the alien performed such services before the date of the strike.

TITLE IV—REPORTS TO CONGRESS

8 USC 1364.

SEC. 401. TRIENNIAL COMPREHENSIVE REPORT ON IMMIGRATION.

President of U.S.

(a) TRIENNIAL REPORT.—The President shall transmit to the Congress, not later than January 1, 1989, and not later than January 1 of every third year thereafter, a comprehensive immigration-impact report.

(b) DETAILS IN EACH REPORT.—Each report shall include—

(1) the number and classification of aliens admitted (whether as immediate relatives, special immigrants, refugees, or under

the preferences classifications, or as nonimmigrants), paroled, or granted asylum, during the relevant period;

(2) a reasonable estimate of the number of aliens who entered the United States during the period without visas or who became deportable during the period under section 241 of the Immigration and Nationality Act; and

8 USC 1251.

(3) a description of the impact of admissions and other entries of immigrants, refugees, asylees, and parolees into the United States during the period on the economy, labor and housing markets, the educational system, social services, foreign policy, environmental quality and resources, the rate, size, and distribution of population growth in the United States, and the impact on specific States and local units of government of high rates of immigration resettlement.

(c) HISTORY AND PROJECTIONS.—The information (referred to in subsection (b)) contained in each report shall be—

(1) described for the preceding three-year period, and

(2) projected for the succeeding five-year period, based on reasonable estimates substantiated by the best available evidence.

(d) RECOMMENDATIONS.—The President also may include in such report any appropriate recommendations on changes in numerical limitations or other policies under title II of the Immigration and Nationality Act bearing on the admission and entry of such aliens to the United States.

8 USC 1151.

SEC. 402. REPORTS ON UNAUTHORIZED ALIEN EMPLOYMENT.

President of U.S.
8 USC 1324a note.

The President shall transmit to Congress annual reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens) during the first three years after its implementation. Each report shall include—

Ante, p. 3360.

(1) an analysis of the adequacy of the employment verification system provided under subsection (b) of that section;

(2) a description of the status of the development and implementation of changes in that system under subsection (d) of that section, including the results of any demonstration projects conducted under paragraph (4) of such subsection; and

(3) an analysis of the impact of the enforcement of that section on—

(A) the employment, wages, and working conditions of United States workers and on the economy of the United States,

(B) the number of aliens entering the United States illegally or who fail to maintain legal status after entry, and

(C) the violation of terms and conditions of nonimmigrant visas by foreign visitors.

SEC. 403. REPORTS ON H-2A PROGRAM.

8 USC 1186 note.

(a) PRESIDENTIAL REPORTS.—The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of the temporary agricultural worker (H-2A) program, which shall include—

(1) the number of foreign workers permitted to be employed under the program in each year;

(2) the compliance of employers and foreign workers with the terms and conditions of the program;

(3) the impact of the program on the labor needs of the United States agricultural employers and on the wages and working conditions of United States agricultural workers; and

(4) recommendations for modifications of the program, including—

(A) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(B) removing any economic disincentives to hiring United States citizens or permanent resident aliens for jobs for which temporary foreign workers have been requested,

(C) improving cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers, and

(D) the relative benefits to domestic workers and burdens upon employers of a policy which requires employers, as a condition for certification under the program, to continue to accept qualified United States workers for employment after the date the H-2A workers depart for work with the employer.

The recommendations under subparagraph (D) shall be made in furtherance of the congressional policy that aliens not be admitted under the H-2A program unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or services needed and that the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(b) DEADLINES.—A report on the H-2A temporary worker program under subsection (a) shall be submitted not later than two years after the date of the enactment of this Act, and every two years thereafter.

8 USC 1255a note.
President of U.S.

SEC. 404. REPORTS ON LEGALIZATION PROGRAM.

(a) IN GENERAL.—The President shall transmit to Congress two reports on the legalization program established under section 245A of the Immigration and Nationality Act.

Ante, p. 3394.

(b) INITIAL REPORT DESCRIBING LEGALIZED ALIENS.—The first report, which shall be transmitted not later than 18 months after the end of the application period for adjustment to lawful temporary residence status under the program, shall include a description of the population whose status is legalized under the program, including—

(1) geographical origins and manner of entry of these aliens into the United States,

(2) their demographic characteristics, and

(3) a general profile and characteristics.

(c) SECOND REPORT ON IMPACT OF LEGALIZATION PROGRAM.—The second report, which shall be transmitted not later than three years after the date of transmittal of the first report, shall include a description of—

(1) the impact of the program on State and local governments and on public health and medical needs of individuals in the different regions of the United States,

(2) the patterns of employment of the legalized population, and

(3) the participation of legalized aliens in social service programs.

8 USC 1187 note.

SEC. 405. REPORT ON VISA WAIVER PILOT PROGRAM.

(a) MONITORING AND REPORT ON THE PILOT PROGRAM.—The Attorney General and the Secretary of State shall jointly monitor the pilot program established under section 217 of the Immigration and Nationality Act and shall report to the Congress not later than two years after the beginning of the program.

Ante, p. 3435.

(b) DETAILS IN REPORT.—The report shall include—

(1) an evaluation of the program, including its impact—

(A) on the control of alien visitors to the United States,

(B) on consular operations in the countries designated under the program, as well as on consular operations in other countries in which additional consular personnel have been relocated as a result of the implementation of the program, and

(C) on the United States tourism industry; and

100 STAT. 3443

(2) recommendations—

(A) on extending the pilot program period, and

(B) on increasing the number of countries that may be designated under the program.

SEC. 406. REPORT ON IMMIGRATION AND NATURALIZATION SERVICE.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report describing the type of equipment, physical structures, and personnel resources required to improve the capabilities of the Immigration and Naturalization Service so that it can adequately carry out services and enforcement activities, including those required to carry out the amendments made by this Act.

SEC. 407. SENSE OF THE CONGRESS.

Mexico.
President of U.S.
8 USC 1101 note.

It is the sense of the Congress that the President of the United States should consult with the President of the Republic of Mexico within 90 days after enactment of this Act regarding the implementation of this Act and its possible effect on the United States or Mexico. After the consultation, it is the sense of the Congress that the President should report to the Congress any legislative or administrative changes that may be necessary as a result of the consultation and the enactment of this legislation.

TITLE V—STATE ASSISTANCE FOR INCARCERATION COSTS OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS

8 USC 1365.

SEC. 501. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS.

(a) Reimbursement of States.—Subject to the amounts provided in advance in appropriation Acts, the Attorney General shall reimburse a State for the costs incurred by the State for the imprisonment of any illegal alien or Cuban national who is convicted of a felony by such State.

(b) Illegal Aliens Convicted of a Felony.—An illegal alien referred to in subsection (a) is any alien who is any alien convicted of a felony who is in the United States unlawfully and—

(1) whose most recent entry into the United States was without inspection, or

(2) whose most recent admission to the United States was as a nonimmigrant and—

(A) whose period of authorized stay as a nonimmigrant expired, or

(B) whose unlawful status was known to the Government,

before the date of the commission of the crime for which the alien is convicted.

(c) Marielito Cubans Convicted of a Felony.—A Marielito Cuban convicted of a felony referred to in subsection (a) is a national of Cuba who—

(1) was allowed by the Attorney General to come to the United States in 1980,

(2) after such arrival committed any violation of State or local law for which a term of imprisonment was imposed, and

(3) at the time of such arrival and at the time of such violation was not an alien lawfully admitted to the United States—

(A) for permanent or temporary residence, or

100 STAT. 3444

(B) under the terms of an immigrant visa or a nonimmigrant visa issued,

under the laws of the United States.

(d) Authorization of Appropriation.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(e) State Defined.—The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

TITLE VI—COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

8 USC 1101 note.

SEC. 601. COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT.

(a) Establishment and Composition of Commission.—(1) There is established a Commission for the Study of International Migration and Cooperative Economic Development (in this section referred to as the "Commission"), to be composed of twelve members—

(A) three members to be appointed by the Speaker of the House of Representatives;

(B) three members to be appointed by the Minority Leader of the House of Representatives;

(C) three members to be appointed by the Majority Leader of the Senate; and

(D) three members to be appointed by the Minority Leader of the Senate.

(2) Members shall be appointed for the life of the Commission. Appointments to the Commission shall be made within 90 days after the date of the enactment of this Act. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) A majority of the members of the Commission shall elect a Chairman.

(b) Duty of Commission.—The Commission, in consultation with the governments of Mexico and other sending countries in the Western Hemisphere, shall examine the conditions in Mexico and such other sending countries which contribute to unauthorized migration to the United States and mutually beneficial, reciprocal trade and investment programs to alleviate such conditions. For purposes of this section, the term "sending country" means a foreign country a substantial number of whose nationals migrate to, or remain in, the United States without authorization.

(c) Report to the President and Congress.—Not later than three years after the appointment of the members of the Commission, the Commission shall prepare and transmit to the President and to the Congress a report describing the results of the Commission's examination and recommending steps to provide mutually beneficial reciprocal trade and investment programs to alleviate conditions leading to unauthorized migration to the United States.

(d) Compensation of Members, Meetings, Staff, Authority of Commission, and Authorization of Appropriations.—(1) The provisions of subsections (d), (e)(3), (f), (g), and (h) of section 304 shall apply to the Commission in the same manner as they apply to the Commission established under section 304.

Ante, p. 3431.

100 STAT. 3445

(2) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) Termination Date.—The Commission shall terminate on the date on which a report is required to be transmitted by subsection (c), except that the Commission may continue to function for not more than thirty days thereafter for the purpose of concluding its activities.

TITLE VII—FEDERAL RESPONSIBILITY FOR DEPORTABLE AND EXCLUDABLE ALIENS CONVICTED OF CRIMES

SEC. 701. EXPEDITIOUS DEPORTATION OF CONVICTED ALIENS.

8 USC 1252.

Section 242 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(i) In the case of an alien who is convicted of an offense which makes the alien subject to deportation, the Attorney General shall begin any deportation proceeding as expeditiously as possible after the date of the conviction.".

SEC. 702. IDENTIFICATION OF FACILITIES TO INCARCERATE DEPORTABLE OR EXCLUDABLE ALIENS.

President of U.S.

The President shall require the Secretary of Defense, in cooperation with the Attorney General and by not later than 60 days after the date of the enactment of this Act, to provide to the Attorney General a list of facilities of the Department of Defense that could be made available to the Bureau of Prisons for use in incarcerating aliens who are subject to exclusion or deportation from the United States.

Approved November 6, 1986.

LEGISLATIVE HISTORY—S. 1200 (H.R. 3810):

HOUSE REPORTS: No. 99-682, Pt. 1 (Comm. on the Judiciary), Pt. 2 (Comm. on Education and Labor), Pt. 3 (Comm. on Ways and Means), Pt. 4 (Comm. on Energy and Commerce), and Pt. 5 (Comm. on Agriculture), all accompanying H.R. 3810.
SENATE REPORTS: No. 99-132 (Comm. on the Judiciary) and No. 99-1000 (Comm. of Conference).
CONGRESSIONAL RECORD:
    Vol. 131 (1985): Sept. 11-13, 16-19, considered and passed Senate.
    Vol. 132 (1986): Oct. 9, H.R. 3810 considered and passed House; proceedings vacated and S. 1200, amended, passed in lieu.
        Oct. 15, House agreed to conference report.
        Oct. 17, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
    Nov. 6, Presidential statement and remarks.

LABOR, HEALTH AND HUMAN SERVICES ACTS

Public Law 99-252
99th Congress

An Act

To provide for public education concerning the health consequences of using smokeless tobacco products.

Feb. 27, 1986
[S. 1574]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Comprehensive Smokeless Tobacco Health Education Act of 1986.
15 USC 4401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Smokeless Tobacco Health Education Act of 1986".

15 USC 4401.

SEC. 2. PUBLIC EDUCATION.

(a) DEVELOPMENT.—(1) The Secretary of Health and Human Services shall establish and carry out a program to inform the public of any dangers to human health resulting from the use of smokeless tobacco products. In carrying out such program the Secretary shall—

(A) develop educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco;

(B) make such programs, materials, and announcements available to States, local governments, school systems, the media, and such other entities as the Secretary determines appropriate to further the purposes of this Act;

Research and development.

(C) conduct and support research on the effect of smokeless tobacco on human health; and

Public information.

(D) collect, analyze, and disseminate information and studies on smokeless tobacco and health.

(2) In developing programs, materials, and announcements under paragraph (1) the Secretary shall consult with the Secretary of Education, medical and public health entities, consumer groups, representatives of manufacturers of smokeless tobacco products, and other appropriate entities.

Grants.
State and local governments.

(b) ASSISTANCE.—The Secretary of Health and Human Services may provide technical assistance and may make grants to States—

(1) to assist in the development of educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco,

(2) to assist in the distribution of such programs, materials, and announcements throughout the States, and

(3) to establish 18 as the minimum age for the purchase of smokeless tobacco.

SEC. 3. SMOKELESS TOBACCO WARNING.

Labeling.
15 USC 4402.

(a) GENERAL RULE.—

(1) It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

100 STAT. 31

"WARNING: THIS PRODUCT MAY CAUSE MOUTH CANCER

"WARNING: THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS

"WARNING: THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES".

(2) It shall be unlawful for any manufacturer, packager, or importer of smokeless tobacco products to advertise or cause to be advertised (other than through the use of outdoor billboard advertising) within the United States any smokeless tobacco product unless the advertising bears, in accordance with the requirements of this Act, one of the labels required by paragraph (1).

Regulations.

(b) Label Format.—The Federal Trade Commission shall issue regulations requiring the label statement required by subsection (a) to appear—

(1) in the case of the smokeless tobacco product package—

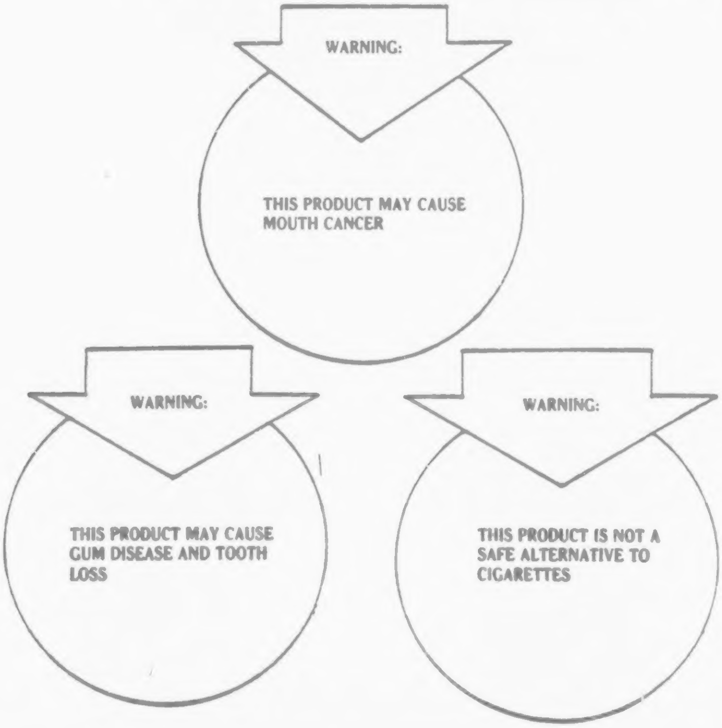
(A) in a conspicuous and prominent place on the package, and

(B) in a conspicuous format and in conspicuous and legible type in contrast with all other printed material on the package, and

(2) in the case of advertising subject to subsection (a)(2)—

(A) in a conspicuous and prominent location in the advertisement and in conspicuous and legible type in contrast with all other printed material in the advertisement,

(B) in the following format:


WARNING:
THIS PRODUCT MAY CAUSE MOUTH CANCER
WARNING:
THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS
WARNING:
THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES

100 STAT. 32

(C) the label statement shall appear in capital letters and the area of the circle and arrow shall be determined by the Federal Trade Commission.

Regulations.

(c) **Label Display.**—The Federal Trade Commission shall issue regulations requiring each label statement required by subsection (a) to—

(1) in the case of a smokeless tobacco product package, be randomly displayed by each manufacturer, packager, or importer of a smokeless tobacco product in each 12-month period in as equal a number of times as is possible on each brand of the product and be randomly distributed in all parts of the United States in which such product is marketed, and

(2) in the case of any advertisement of a smokeless tobacco product, be rotated every 4 months by each manufacturer, packager, or importer of a smokeless tobacco product in an alternating sequence in the advertisement for each brand of the product.

(d) **Plan.**—(1) Each manufacturer, packager, or importer of a smokeless tobacco product shall submit a plan to the Federal Trade Commission which specifies the method such manufacturer, packager, or importer will use to rotate, display, and distribute the statements required by subsection (a) in accordance with the requirements of subsections (b) and (c).

(2) The Federal Trade Commission shall approve a plan submitted by a manufacturer, packager, or importer of a smokeless tobacco product under paragraph (1) if such plan provides for the rotation, display, and distribution on smokeless tobacco product packages and advertisements of the statements required by subsection (a) in a manner which complies with this section and the regulations promulgated pursuant to this section.

(e) **Application.**—This section does not apply to a distributor or a retailer of any smokeless tobacco product which does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

Effective date.

(f) **Television and Radio Advertising.**—Effective 6 months after the date of the enactment of this Act, it shall be unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 4. INGREDIENT REPORTING.

15 USC 4403.

(a) **In General.**—(1) Each person who manufactures, packages, or imports smokeless tobacco products shall annually provide the Secretary with—

(A) a list of the ingredients added to tobacco in the manufacture of smokeless tobacco products which does not identify the company which uses the ingredients or the brand of smokeless tobacco which contains the ingredients; and

(B) a specification of the quantity of nicotine contained in each such product.

(2) A person or group of persons required to provide information by this subsection may designate an individual or entity to provide the information required by this subsection.

(b) **Report.**—(1) At such times as the Secretary considers appropriate, the Secretary shall transmit to the Congress a report, based on the information provided under subsection (a), respecting—

Research and development.

(A) a summary of research activities and proposed research activities on the health effects of ingredients added to tobacco in the manufacture of smokeless tobacco products and the findings of such research;

100 STAT. 33

(B) information pertaining to any such ingredient which in the judgment of the Secretary poses a health risk to users of smokeless tobacco; and

(C) any other information which the Secretary determines to be in the public interest.

Confidentiality.

(2)(A) Any information provided to the Secretary under subsection (a) shall be treated as a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and shall not be revealed, except as provided in paragraph (1), to any person other than those authorized by the Secretary in carrying out their official duties under this section.

(B) Subparagraph (A) does not authorize the withholding of information provided under subsection (a) of this section from any duly authorized subcommittee or committee of the Congress. If a subcommittee or committee of the Congress requests the Secretary to provide it such information, the Secretary shall make the information available to the subcommittee or committee and shall, at the same time, notify in writing the person who provided the information of such request.

(C) The Secretary shall establish written procedures to assure the confidentiality of information provided under subsection (a) of this section. Such procedures shall include the designation of a duly authorized agent to serve as custodian of such information. The agent—

(i) shall take physical possession of the information and, when not in use by any person authorized to have access to such information, shall store it in a locked cabinet or file; and

Record. (ii) shall maintain a complete record of any person who inspects or uses the information.

Such procedures shall require that any person permitted access to the information shall be instructed in writing not to disclose the information to anyone who is not entitled to have access to the information.

15 USC 4404.

SEC. 5. ENFORCEMENT, REGULATIONS, AND CONSTRUCTION.

(a) ENFORCEMENT.—(1) A violation of section 3 or the regulations promulgated pursuant to this Act shall be considered a violation of section 5 of the Federal Trade Commission Act. 15 USC 45.

(2) Any person who is found to violate any provision of section 3 or 4(a) shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

(b) REGULATIONS UNDER SECTION 3.—(1) Regulations issued by the Federal Trade Commission under section 3 shall be issued in accordance with section 553 of title 5, United States Code.

(2) Not later than 180 days after the date of the enactment of this Act, the Federal Trade Commission shall promulgate such regulations as it may require to implement section 3.

(c) CONSTRUCTION.—Nothing in this Act (other than the requirements of sections 3 and 4) shall be construed to limit, restrict, or expand the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of smokeless tobacco products.

15 USC 4405.

SEC. 6. INJUNCTIONS.

The several district courts of the United States are vested with jurisdiction, for cause shown, to prevent and restrain violations of sections 3 and 4 upon application of the Federal Trade Commission in the case of a violation of section 3 or upon application of the Attorney General of the United States acting through the several United States attorneys in their several districts in the case of a violation of section 3 or 4.

100 STAT. 34

15 USC 4406.

SEC. 7. PREEMPTION.

(a) FEDERAL ACTION.—No statement relating to the use of smokeless tobacco products and health, other than the statements required by section 3, shall be required by any Federal agency to appear on any package or in any advertisement (unless the advertisement is an outdoor billboard advertisement) of a smokeless tobacco product.

(b) STATE AND LOCAL ACTION.—No statement relating to the use of smokeless tobacco products and health, other than the statements required by section 3, shall be required by any State or local statute or regulation to be included on any package or in any advertisement (unless the advertisement is an outdoor billboard advertisement) of a smokeless tobacco product.

(c) Effect on Liability Law.—Nothing in this Act shall relieve any person from liability at common law or under State statutory law to any other person.

SEC. 8. REPORTS. 15 USC 4407.

(a) Secretary's Report.—The Secretary of Health and Human Services shall transmit a report to the Congress not later than January 11, 1987, and biennially thereafter, containing—

(1) a description of the effects of health education efforts on the use of smokeless tobacco products,

(2) a description of the use by the public of smokeless tobacco products,

(3) an evaluation of the health effects of smokeless tobacco products and the identification of areas appropriate for further research, and

(4) such recommendations for legislation and administrative action as the Secretary considers appropriate.

(b) FTC Report.—The Federal Trade Commission shall transmit a report to the Congress not later than January 11, 1987, and biennially thereafter, containing (1) a description of the current sales, advertising, and marketing practices associated with smokeless tobacco products, and (2) such recommendations for legislation and administrative action as it deems appropriate.

SEC. 9. DEFINITIONS. 15 USC 4408.

For purposes of this Act:

(1) The term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(2) The term "commerce" means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

(3) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and installations of the Armed Forces.

(4) The term "package" means a pack, box, carton, pouch, or container of any kind in which smokeless tobacco products are offered for sale, sold, or otherwise distributed to consumers.

(5) The term "sale or distribution" includes sampling or any other distribution not for sale.

(6) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 10. TECHNICAL AMENDMENT.

Section 402(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(d)(2)) is amended by inserting before the semicolon a comma and the following: "except that this clause shall not apply to confectionery which is introduced or delivered for introduction into, or received or held for sale in, interstate commerce if the sale of such confectionery is permitted under the laws of the State in which such confectionery is intended to be offered for sale".

SEC. 11. EFFECTIVE DATE.

15 USC 4401 note.

(a) IN GENERAL.—Except as provided in sections 3(f) and 5(b) and subsection (b), this Act shall take effect one year after the date of enactment of this Act.

(b) EXCEPTION.—Sections 2, 3(b), 3(c), 3(d), 3(e), 4(b), 7, 8, 9, and 10 shall take effect on the date of the enactment of this Act.

Approved February 27, 1986.

LEGISLATIVE HISTORY—S. 1574:

SENATE REPORT No. 99-209 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Dec. 16, considered and passed Senate.
Vol. 132 (1986): Feb. 3, considered and passed House, amended.
Feb. 6, Senate concurred in House amendments.

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100 STAT. 78

Public Law 99-269
99th Congress

An Act

Apr. 1, 1986
[H.R. 2453]

To amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes.

Older Americans Act Amendments of 1986.
42 USC 3001 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1986".

COMMODITY DISTRIBUTION LEVEL OF ASSISTANCE PER MEAL

SEC. 2. Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "15 cents" and all that follows through "30 cents per meal for", and inserting in lieu thereof "56.76 cents per meal during fiscal year 1986 and during", and

(2) by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1986".

AUTHORIZATION OF APPROPRIATIONS

42 USC 3030a note.

SEC. 3. (a) There is authorized to be appropriated $127,800,000 for fiscal year 1985, in order to provide reimbursement at the level of 56.76 cents per meal during fiscal year 1985, determined under section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)), for meals served under section 311 of such Act in such fiscal year. For purposes of subsections (a) and (b) of section 311 of such Act, the sum authorized to be appropriated by this subsection shall be deemed to have been authorized to be appropriated for fiscal year 1985 by section 311(c)(1) of such Act. For purposes of section 311(c)(1)(B) of such Act, the date of the enactment of this Act shall be deemed to be the last day of each quarter of fiscal year 1985 for which reimbursement is claimed.

(b) Subparagraph (A) of section 311(c)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030a(c)(1)(A)) is amended to read as follows:

"(A)(i) There are authorized to be appropriated $144,000,000 for fiscal year 1986 and $144,000,000 for fiscal year 1987 to carry out this section (other than subsection (a)(1)).

Prohibition.

"(ii) The provisions of the second and third sentences of subsection (a)(4) shall not apply for fiscal years 1986 and 1987.".

INFORMATION REGARDING FEDERAL FOOD PROCESSING PROGRAMS

Sec. 4. Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended by adding at the end thereof the following new subsection:

State and local governments.

"(d) In each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall jointly disseminate to State agencies, area agencies on aging, and providers of nutrition services assisted under this title, information concerning—

100 STAT. 79

"(1) the existence of any Federal commodity processing program in which such State agencies, area agencies, and providers may be eligible to participate; and

"(2) the procedures to be followed to participate in the program.".

EFFECTIVE DATE

Sec. 5. This Act and the amendments made by this Act shall take effect on October 1, 1985.

42 USC 3030a note.

Approved April 1, 1986.

LEGISLATIVE HISTORY—H.R. 2453 (S. 1858):

HOUSE REPORT: No. 99-286 (Comm. on Education and Labor) and No. 99-487 (Comm. of Conference).
SENATE REPORT: No. 99-232 accompanying S. 1958 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Sept. 24, considered and passed House
Vol. 132 (1986): Feb. 5, considered and passed Senate, amended, in lieu of S. 1958.
Mar. 13, Senate agreed to conference report.
Mar. 18, House agreed to conference report.

Public Law 99-280
99th Congress

100 STAT. 399

An Act

To amend the Public Health Service Act to revise and extend the programs of assistance for primary health care.

Apr. 24, 1986
[S. 1282]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Health Services Amendments Act of 1986.

SECTION 1. SHORT TITLE: REFERENCE TO ACT.

(a) Short Title.—This Act may be cited as the "Health Services Amendments Act of 1986".

42 USC 201 note.

(b) Reference to Act.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

42 USC 201 note.

SEC. 2. MEDICALLY UNDERSERVED POPULATIONS.

Section 330(b) (42 U.S.C. 254c(b)) is amended—

(1) by striking out the second, third, fourth, and fifth sentences of paragraph (3); and

(2) by adding at the end thereof the following:

Regulations.

"(4) In carrying out paragraph (3), the Secretary shall by regulation prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

State and local governments.

"(A) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

Children and youth.

"(B) include infant mortality in an area or population group, other factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

Prohibition.
State and local governments.

"(5) The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(A) the chief executive officer of such State;

"(B) local officials in such State; and

"(C) the State organization, if any, which represents a majority of community health centers in such State.

State and local governments.

"(6) The Secretary may designate a medically underserved population that does not meet the criteria established under paragraph (4) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.".

100 STAT. 400

SEC. 3. MEMORANDUM OF AGREEMENT.

Section 330 (42 U.S.C. 254c) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

Contracts.
State and local governments.

"(h) In carrying out this section, the Secretary may enter into a memorandum of agreement with a State. Such memorandum may include, where appropriate, provisions permitting such State to—

"(1) analyze the need for primary health services for medically underserved populations within such State;

"(2) assist in the planning and development of new community health centers;

"(3) review and comment upon annual program plans and budgets of community health centers, including comments upon allocations of health care resources in the State;

"(4) assist community health centers in the development of clinical practices and fiscal and administrative systems through a technical assistance plan which is responsive to the requests of community health centers; and

"(5) share information and data relevant to the operation of new and existing community health centers.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Grants.

Paragraphs (1) and (2) of section 330(g) are amended to read as follows:

"(1) There are authorized to be appropriated for payments pursuant to grants under this section $400,000,000 for fiscal year 1987 and $400,000,000 for fiscal year 1988.

Prohibition.

"(2) The Secretary may not in any fiscal year—

"(A) expend for grants to serve medically underserved populations designated under subsection (b)(6) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year; and

"(B) expend for grants under subsection (d)(1)(C) an amount which exceeds 5 percent of the funds appropriated under this section for that fiscal year.".

SEC. 5. PRIMARY CARE BLOCK GRANTS.

Part C of title XIX (42 U.S.C. 300y—300y-11) is repealed. Repeal.

SEC. 6. MIGRANT HEALTH CENTERS.

The first sentence of section 329(h)(1) (42 U.S.C. 254b(h)(1)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$45,400,000 for fiscal year 1987 and $45,400,000 for fiscal year 1988".

100 STAT. 401

SEC. 7. TECHNICAL AMENDMENT.

Loans.

Section 329(d)(2) (42 U.S.C. 254b(d)(2)) is amended by inserting before the semicolon "and the costs of repaying loans made by the Farmers Home Administration for buildings".

Approved April 24, 1986.

LEGISLATIVE HISTORY—S. 1282 (H.R. 2418):

HOUSE REPORT No. 99-157 accompanying H.R. 2418 (Comm. on Energy and Commerce).
SENATE REPORT No. 99-104 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): July 19, considered and passed Senate.
Vol. 132 (1986): Mar. 5, H.R. 2418 considered and passed House; S. 1282, amended, passed in lieu.
Apr. 11, Senate concurred in House amendment.

Public Law 99-319
99th Congress

100 STAT. 478

An Act

To provide for protection and advocacy for mentally ill individuals, and for other purposes.

May 23, 1986
[S. 974]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Act of 1986".

Protection and Advocacy for Mentally Ill Individuals Act of 1986.
42 USC 10801 note.

TITLE I—PROTECTION AND ADVOCACY SYSTEMS

PART A—ESTABLISHMENT OF SYSTEMS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that— 42 USC 10801.

(1) mentally ill individuals are vulnerable to abuse and serious injury;

(2) mentally ill individuals are subject to neglect, including lack of treatment, adequate nutrition, clothing, health care, and adequate discharge planning; and

(3) State systems for monitoring compliance with respect to the rights of mentally ill individuals vary widely and are frequently inadequate.

(b) The purposes of this Act are—

(1) to ensure that the rights of mentally ill individuals are protected; and

State and local governments.

(2) to assist States to establish and operate a protection and advocacy system for mentally ill individuals which will—

(A) protect and advocate the rights of such individuals through activities to ensure the enforcement of the Constitution and Federal and State statutes; and

(B) investigate incidents of abuse and neglect of mentally ill individuals if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred.

DEFINITIONS

42 USC 10802.

SEC. 102. For purposes of this title:

(1) The term "abuse" means any act or failure to act by an employee of a facility rendering care or treatment which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury to a mentally ill individual, and includes acts such as—

(A) the rape or sexual assault of a mentally ill individual;

(B) the striking of a mentally ill individual;

(C) the use of excessive force when placing a mentally ill individual in bodily restraints; and

100 STAT. 479

(D) the use of bodily or chemical restraints on a mentally ill individual which is not in compliance with Federal and State laws and regulations.

(2) The term "eligible system" means the system established in a State to protect and advocate the rights of persons with developmental disabilities under part C of the Developmental Disabilities Assistance and Bill of Rights Act.

42 USC 6061.

(3) The term "mentally ill individual" means an individual—

(A) who has a significant mental illness or emotional impairment, as determined by a mental health professional qualified under the laws and regulations of the State; and

(B) who is an inpatient or resident in a facility rendering care or treatment.

(4) The term "neglect" means a negligent act or omission by any individual responsible for providing services in a facility rendering care or treatment which caused or may have caused injury to a mentally ill individual or which placed a mentally ill individual at risk of injury, and includes an act or omission such as the failure to establish or carry out an appropriate individual program plan or treatment plan for a mentally ill individual, the failure to provide adequate nutrition, clothing, or health care to a mentally ill individual, or the failure to provide a safe environment for a mentally ill individual.

(5) The term "Secretary" means the Secretary of Health and Human Services.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

ALLOTMENTS

42 USC 10803.

SEC. 103. The Secretary shall make allotments under this title to eligible systems to establish and administer systems—

(1) which meet the requirements of section 105; and

(2) which are designed to—

(A) protect and advocate the rights of mentally ill individuals; and

(B) investigate incidents of abuse and neglect of mentally ill individuals if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred.

USE OF ALLOTMENTS

Contracts.
State and local governments.
42 USC 10804.

SEC. 104. (a)(1) An eligible system may use its allotment under this title to enter into contracts with State agencies and nonprofit organizations which operate throughout the State. In order to be eligible for a contract under this paragraph—

(A) such an agency shall be independent of any agency which provides treatment or services (other than advocacy services) to mentally ill individuals; and

(B) such an agency or organization shall have the capacity to protect and advocate the rights of mentally ill individuals.

(2) In carrying out paragraph (1), an eligible system should consider entering into contracts with organizations which, on the date of enactment of this Act, provide protection or advocacy services to mentally ill individuals.

100 STAT. 480

(b)(1) If an eligible system is a public entity, the government of the State in which the system is located may not require the system to obligate more than 5 percent of its allotment under this title in any fiscal year for administrative expenses.

(2) An eligible system may not use more than 5 percent of any allotment under this title for any fiscal year for the costs of providing technical assistance and training to carry out this title.

SYSTEM REQUIREMENTS

State and local governments.
42 USC 10805.

SEC. 105. (a) A system established in a State under section 103 to protect and advocate the rights of mentally ill individuals shall—

(1) have the authority to—

(A) investigate incidents of abuse and neglect of mentally ill individuals if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(B) pursue administrative, legal, and other appropriate remedies to ensure the protection of mentally ill individuals who are receiving care or treatment in the State; and

(C) pursue administrative, legal, and other remedies on behalf of an individual who—

(i) was a mentally ill individual; and

(ii) is a resident of the State,

but only with respect to matters which occur within 90 days after the date of the discharge of such individual from a facility providing care or treatment;

(2) be independent of any agency in the State which provides treatment or services (other than advocacy ser[illegible] mentally ill individuals;

(3) have access to facilities in the State [illegible] treatment;

(4) in accordance with section 106, have access to all records of—

(A) any individual who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access; and

(B) any individual—

(i) who by reason of the mental or physical condition of such individual is unable to authorize the system to have such access;

(ii) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State; and

(iii) with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe that such individual has been subject to abuse or neglect;

42 USC 1396.

(5) have an arrangement with the Secretary and the agency of the State which administers the State plan under title XIX of the Social Security Act for the furnishing of the information required by subsection (b);

(6) establish a board—

(A) which will advise the system on policies and priorities to be carried out in protecting and advocating the rights of

100 STAT. 481

mentally ill individuals; and

(B) which shall include attorneys, mental health professionals, individuals from the public who are knowledgeable about mental illness, a provider of mental health services, individuals who have received or are receiving mental health services, and family members of such individuals, and at least one-half the membership of which shall be comprised of individuals who have received or are receiving mental health services or who are family members of such individuals; and

Reports.

(7) on January 1, 1987, and January 1 of each succeeding year, prepare and transmit to the Secretary and the head of the State mental health agency of the State in which the system is located a report describing the activities, accomplishments, and expenditures of the system during the most recently completed fiscal year.

42 USC 1396.
42 USC 1395.
Reports.

(b) The Secretary and the agency of a State which administers its State plan under title XIX of the Social Security Act shall provide the eligible system of the State with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to titles XVIII and XIX of the Social Security Act with respect to any facility rendering care or treatment to mentally ill individuals in the State in which such system is located. A report or plan shall be made available within 30 days after the completion of the report or plan.

ACCESS TO RECORDS

State and local governments.
Classified information.
42 USC 10806.

SEC. 106. (a) An eligible system which, pursuant to section 105(a)(4), has access to records which, under Federal or State law, are required to be maintained in a confidential manner by a provider of mental health services, shall, except as provided in subsection (b), maintain the confidentiality of such records to the same extent as is required of the provider of such services.

(b)(1) Except as provided in paragraph (2), an eligible system which has access to records pursuant to section 105(a)(4) may not disclose information from such records to the individual who is the subject of the information if the mental health professional responsible for supervising the provision of mental health services to such individual has provided the system with a written determination that disclosure of such information to such individual would be detrimental to such individual's health.

(2)(A) If disclosure of information has been denied under paragraph (1) to an individual—

(i) such individual;

(ii) the legal guardian, conservator, or other legal representative of such individual; or

(iii) an eligible system, acting on behalf of an individual described in subparagraph (B),

may select another mental health professional to review such information and to determine if disclosure of such information would be detrimental to such individual's health. If such mental health professional determines, based on professional judgment, that disclosure of such information would not be detrimental to the health of such individual, the system may disclose such information to such individual.

(B) An eligible system may select a mental health professional under subparagraph (A)(iii) on behalf of—

(i) an individual whose legal guardian is the State; or

100 STAT. 482

(ii) an individual who has a legal guardian, conservator, or other legal representative other than the State if such guardian, conservator, or representative does not, within a reasonable time after such individual is denied access to information under paragraph (1), select a mental health professional under subparagraph (A) to review such information.

(C) If the laws of a State prohibit an eligible system from obtaining access to the records of mentally ill individuals in accordance with section 105(a)(4) and this section, section 105(a)(4) and this section shall not apply to such system before—

(i) the date such system is no longer subject to such a prohibition; or

(ii) the expiration of the 2-year period beginning on the date of the enactment of this Act,

whichever occurs first.

LEGAL ACTIONS

State and local governments.
Contracts.
42 USC 10807.

Sec. 107. (a) Prior to instituting any legal action in a Federal or State court on behalf of a mentally ill individual, an eligible system, or a State agency or nonprofit organization which entered into a contract with an eligible system under section 104(a), shall exhaust in a timely manner all administrative remedies where appropriate. If, in pursuing administrative remedies, the system, agency, or organization determines that any matter with respect to such individual will not be resolved within a reasonable time, the system, agency, or organization may pursue alternative remedies, including the initiation of a legal action.

(b) Subsection (a) does not apply to any legal action instituted to prevent or eliminate imminent serious harm to a mentally ill individual.

Part B—Administrative Provisions

APPLICATIONS

42 USC 10821.

Sec. 111. No allotment may be made under this title to an eligible system unless an application therefor is submitted to the Secretary. Each such application shall contain—

State and local governments.

(1) assurances that amounts paid to such system from an allotment under this title will be used to supplement and not to supplant the level of non-Federal funds available in the State in which such system is established to protect and advocate the rights of mentally ill individuals;

(2) assurances that such system will have a staff which is trained or being trained to provide advocacy services to mentally ill individuals;

State and local governments.
Contracts.

(3) assurances that such system, and any State agency or nonprofit organization with which such system may enter into a contract under section 104(a), will not, in the case of any individual who has a legal guardian, conservator, or representative other than the State, take actions which are duplicative of actions taken on behalf of such individual by such guardian, conservator, or representative unless such guardian, conservator, or representative requests the assistance of such system; and

(4) such other information as the Secretary may by regulation prescribe.

100 STAT. 483

ALLOTMENT FORMULA AND REALLOTMENTS

42 USC 10822.

Sec. 112. (a)(1)(A) Except as provided in paragraph (2) and subject to the availability of appropriations under section 117, the Secretary shall make allotments under section 103 from amounts appropriated under section 117 for a fiscal year to eligible systems on the basis of a formula prescribed by the Secretary which is based equally—

(i) on the population of each State in which there is an eligible system; and

(ii) on the population of each such State weighted by its relative per capita income.

(B) For purposes of subparagraph (A)(ii), the term "relative per capita income" means the quotient of the per capita income of the United States and the per capita income of the State, except that if the State is Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or the Virgin Islands, the quotient shall be considered to be one.

(2) Notwithstanding paragraph (1) and subject to the availability of appropriations under section 117—

District of Columbia. Puerto Rico.

(A) the amount of the allotment of the eligible system of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico shall not be less than $125,000; and

Guam. American Samoa. Northern Mariana Islands. Trust Territory of the Pacific Islands. Virgin Islands.

(B) the amount of the allotment of the eligible system of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands shall not be less than $67,000.

(b)(1) To the extent that all the amounts appropriated under section 117 for a fiscal year are not allotted to eligible systems because—

(A) one or more eligible systems have not submitted an application for an allotment for such fiscal year; or

(B) one or more eligible systems have notified the Secretary that they do not intend to use the full amount of their allotment,

the amount which is not so allotted shall be reallotted among the remaining eligible systems.

(2) The amount of an allotment to an eligible system for a fiscal year which the Secretary determines will not be required by the system during the period for which it is available shall be available for reallotment by the Secretary to other eligible systems with respect to which such a determination has not been made.

Federal Register, publication.

(3) The Secretary shall make reallotments under paragraphs (1) and (2) on such date or dates as the Secretary may fix (but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make such reallotment in the Federal Register). A reallotment to an eligible system shall be made in proportion to the original allotment of such system for such fiscal year, but with such proportionate amount for such system being reduced to the extent it exceeds the sum the Secretary estimates such system needs and will be able to use during such period. The total of such reductions shall be similarly reallotted among eligible systems whose proportionate amounts were not so reduced. Any amount so reallotted to an eligible system for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

PAYMENTS UNDER ALLOTMENTS

42 USC 10823.

SEC. 113. For each fiscal year, the Secretary shall make payments to each eligible system from its allotment under this title. Any amount paid to an eligible system for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the next fiscal year for the purposes for which it was made.

REPORTS BY THE SECRETARY

SEC. 114. (a) The Secretary shall include in each report required under section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act a separate statement which contains— 42 USC 10824. 42 USC 6006.

(1) a description of the activities, accomplishments, and expenditures of systems to protect and advocate the rights of mentally ill individuals supported with payments from allotments under this title, including—

(A) a specification of the total number of mentally ill individuals served by such systems;

(B) a description of the types of activities undertaken by such systems;

(C) a description of the types of facilities providing care or treatment with respect to which such activities are undertaken;

(D) a description of the manner in which such activities are initiated; and

(E) a description of the accomplishments resulting from such activities;

(2) a description of—

(A) systems to protect and advocate the rights of mentally ill individuals supported with payments from allotments under this title;

(B) activities conducted by States to protect and advocate such rights;

(C) mechanisms established by residential facilities for mentally ill individuals to protect and advocate such rights; and

(D) the coordination among such systems, activities, and mechanisms;

(3) a specification of the number of systems established with allotments under this title and of whether each such system was established by a public or nonprofit private entity; and

(4) recommendations for activities and services to improve the protection and advocacy of the rights of mentally ill individuals and a description of needs for such activities and services which have not been met by systems established under this title.

(b) In preparing each statement required by subsection (a), the Secretary shall use and include information submitted to the Secretary in the reports required under section 105(a)(7).

TECHNICAL ASSISTANCE

SEC. 115. The Secretary shall provide technical assistance to eligible systems with respect to activities carried out under this title. 42 USC 10825.

100 STAT. 485

ADMINISTRATION

SEC. 116. The Secretary shall carry out this title through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration. 42 USC 10826.

AUTHORIZATION OF APPROPRIATIONS

SEC. 117. For allotments under this title, there are authorized to be appropriated $10,000,000 for fiscal year 1986, $10,500,000 for fiscal year 1987, and $11,025,000 for fiscal year 1988. 42 USC 10827.

TITLE II—RESTATEMENT OF BILL OF RIGHTS FOR MENTAL HEALTH PATIENTS

RESTATEMENT OF BILL OF RIGHTS

State and local governments.
42 USC 10841.
42 USC 9501.

SEC. 201. It is the sense of the Congress that, as previously stated in title V of the Mental Health Systems Act, each State should review and revise, if necessary, its laws to ensure that mental health patients receive the protection and services they require, and that in making such review and revision, States should take into account the recommendations of the President's Commission on Mental Health and the following:

(1) A person admitted to a program or facility for the purpose of receiving mental health services should be accorded the following:

(A) The right to appropriate treatment and related services in a setting and under conditions that—

(i) are the most supportive of such person's personal liberty; and

(ii) restrict such liberty only to the extent necessary consistent with such person's treatment needs, applicable requirements of law, and applicable judicial orders.

(B) The right to an individualized, written, treatment or service plan (such plan to be developed promptly after admission of such person), the right to treatment based on such plan, the right to periodic review and reassessment of treatment and related service needs, and the right to appropriate revision of such plan, including any revision necessary to provide a description of mental health services that may be needed after such person is discharged from such program or facility.

(C) The right to ongoing participation, in a manner appropriate to such person's capabilities, in the planning of mental health services to be provided such person (including the right to participate in the development and periodic revision of the plan described in subparagraph (B)), and, in connection with such participation, the right to be provided with a reasonable explanation, in terms and language appropriate to such person's condition and ability to understand, of—

(i) such person's general mental condition and, if such program or facility has provided a physical examination, such person's general physical condition;

(ii) the objectives of treatment;

(iii) the nature and significant possible adverse effects of recommended treatments;

(iv) the reasons why a particular treatment is considered appropriate;

(v) the reasons why access to certain visitors may not be appropriate; and

(vi) any appropriate and available alternative treatments, services, and types of providers of mental health services.

(D) The right not to receive a mode or course of treatment, established pursuant to the treatment plan, in the absence of such person's informed, voluntary, written consent to such mode or course of treatment, except treatment—

(i) during an emergency situation if such treatment is pursuant to or documented contemporaneously by the written order of a responsible mental health professional; or

(ii) as permitted under applicable law in the case of a person committed by a court to a treatment program or facility.

(E) The right not to participate in experimentation in the absence of such person's informed, voluntary, written consent, the right to appropriate protections in connection with such participation, including the right to a reasonable explanation of the procedure to be followed, the benefits to be expected, the relative advantages of alternative treatments, and the potential discomforts and risks, and the right and opportunity to revoke such consent.

(F) The right to freedom from restraint or seclusion, other than as a mode or course of treatment or restraint or seclusion during an emergency situation if such restraint or seclusion is pursuant to or documented contemporaneously by the written order of a responsible mental health professional.

(G) The right to a humane treatment environment that affords reasonable protection from harm and appropriate privacy to such person with regard to personal needs.

(H) The right to confidentiality of such person's records.

Classified information.
Classified information.

(I) The right to access, upon request, to such person's mental health care records, except such person may be refused access to—

(i) information in such records provided by a third party under assurance that such information shall remain confidential; and

(ii) specific material in such records if the health professional responsible for the mental health services concerned has made a determination in writing that such access would be detrimental to such person's health, except that such material may be made available to a similarly licensed health professional selected by such person and such health professional may, in the exercise of professional judgment, provide such person with access to any or all parts of such material or otherwise disclose the information contained in such material to such person.

100 STAT. 487

(J) The right, in the case of a person admitted on a residential or inpatient care basis, to converse with others privately, to have convenient and reasonable access to the telephone and mails, and to see visitors during regularly scheduled hours, except that, if a mental health professional treating such person determines that denial of access to a particular visitor is necessary for treatment purposes, such mental health professional may, for a specific, limited, and reasonable period of time, deny such access if such mental health professional has ordered such denial in writing and such order has been incorporated in the treatment plan for such person. An order denying such access should include the reasons for such denial.

(K) The right to be informed promptly at the time of admission and periodically thereafter, in language and terms appropriate to such person's condition and ability to understand, of the rights described in this section.

(L) The right to assert grievances with respect to infringement of the rights described in this section, including the right to have such grievances considered in a fair, timely, and impartial grievance procedure provided for or by the program or facility.

(M) Notwithstanding subparagraph (J), the right of access to (including the opportunities and facilities for private communication with) any available—

(i) rights protection service within the program or facility;

(ii) rights protection service within the State mental health system designed to be available to such person;

Ante, p. 478.

(iii) system established under title I to protect and advocate the rights of mentally ill individuals; and

(iv) qualified advocate;

for the purpose of receiving assistance to understand, exercise, and protect the rights described in this section and in other provisions of law.

(N) The right to exercise the rights described in this section without reprisal, including reprisal in the form of denial of any appropriate, available treatment.

(O) The right to referral as appropriate to other providers of mental health services upon discharge.

(2)(A) The rights described in this section should be in addition to and not in derogation of any other statutory or constitutional rights.

Classified information.

(B) The rights to confidentiality of and access to records as provided in subparagraphs (H) and (I) of paragraph (1) should remain applicable to records pertaining to a person after such person's discharge from a program or facility.

(3)(A) No otherwise eligible person should be denied admission to a program or facility for mental health services as a reprisal for the exercise of the rights described in this section.

(B) Nothing in this section should—

(i) obligate an individual mental health or health professional to administer treatment contrary to such professional's clinical judgment;

(ii) prevent any program or facility from discharging any person for whom the provision of appropriate treatment, consistent with the clinical judgment of the mental health professional primarily responsible for such person's treatment, is or has become impossible as a result of such person's refusal to consent to such treatment;

100 STAT. 488

(iii) require a program or facility to admit any person who, while admitted on prior occasions to such program or facility, has repeatedly frustrated the purposes of such admissions by withholding consent to proposed treatment; or

(iv) obligate a program or facility to provide treatment services to any person who is admitted to such program or facility solely for diagnostic or evaluative purposes.

(C) In order to assist a person admitted to a program or facility in the exercise or protection of such person's rights, such person's attorney or legal representatives should have reasonable access to—

(i) such person;

(ii) the areas of the program or facility where such person has received treatment, resided, or had access; and

(iii) pursuant to the written authorization of such person, the records and information pertaining to such person's diagnosis, treatment, and related services described in paragraph (1)(I).

(D) Each program and facility should post a notice listing and describing, in language and terms appropriate to the ability of the persons to whom such notice is addressed to understand, the rights described in this section of all persons admitted to such program or facility. Each such notice should conform to the format and content for such notices, and should be posted in all appropriate locations.

Classified information.

(4)(A) In the case of a person adjudicated by a court of competent jurisdiction as being incompetent to exercise the right to consent to treatment or experimentation described in subparagraph (D) or (E) of paragraph (1), or the right to confidentiality of or access to records described in subparagraph (H) or (I) of such paragraph, or to provide authorization as described in paragraph (3)(C)(iii), such right may be exercised or such authorization may be provided by the individual appointed by such court as such person's guardian or representative for the purpose of exercising such right or such authorization.

(B) In the case of a person who lacks capacity to exercise the right to consent to treatment or experimentation under subparagraph (D) or (E) of paragraph (1), or the right to confidentiality of or access to records described in subparagraph (H) or (I) of such paragraph, or to provide authorization as described in paragraph (3)(C)(iii), because such person has not attained an age considered sufficiently advanced under State law to permit the exercise of such right or such authorization to be legally binding, such right may be exercised or such authorization may be provided on behalf of such person by a parent or legal guardian of such person.

(C) Notwithstanding subparagraphs (A) and (B), in the case of a person admitted to a program or facility for the purpose of receiving mental health services, no individual employed by or receiving any remuneration from such program or facility should act as such person's guardian or representative.

100 STAT. 489

TITLE III—CONSTRUCTION

CONSTRUCTION

SEC. 301. (a) Titles I and II shall not be construed as establishing any new rights for mentally ill individuals. 42 USC 10851.

(b) For purposes of this section, the term "mentally ill individual" has the same meaning as in section 102(3).

TITLE IV—OTHER PROGRAMS

ALZHEIMER'S DISEASE

SEC. 401. Part B of title III of the Public Health Service Act is amended by inserting before section 317 the following: 42 USC 243.

"FAMILY SUPPORT GROUPS FOR ALZHEIMER'S DISEASE PATIENTS

"SEC. 316. (a) Subject to available appropriations, the Secretary, acting through the National Institute of Mental Health, the National Institutes of Health, and the Administration on Aging, shall promote the establishment of family support groups to provide, without charge, educational, emotional, and practical support to assist individuals with Alzheimer's disease or a related memory disorder and members of the families of such individuals. In promoting the establishment of such groups, the Secretary shall give priority to— 42 USC 247a.

"(1) university medical centers and other appropriate health care facilities which receive Federal funds from the Secretary and which conduct research on Alzheimer's disease or provide services to individuals with such disease; and

"(2) community-based programs which receive funds from the Secretary, acting through the Administration on Aging.

"(b) The Secretary shall promote the establishment of a national network to coordinate the family support groups described in subsection (a).

"(c) The Secretary shall report to Congress, not later than one year after the date of the enactment of this section, on family support groups and the network of such groups established pursuant to this section.". Report.

100 STAT. 490

BALANCED BUDGET PROVISION

42 USC 10801 note.
2 USC 622.

Sec. 402. This Act shall not be construed as superseding any of the balanced budget provisions set forth in section 3(7) of the Congressional Budget and Impoundment Control Act of 1974.

Approved May 23, 1986.

LEGISLATIVE HISTORY—S. 974 (H.R. 3492) (H.R. 4055):

HOUSE REPORTS: No. 99-401 accompanying H.R. 3492 (Comm. on Energy and Commerce) and No. 99-576 (Comm. of Conference).
SENATE REPORT No. 99-109 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): July 31, considered and passed Senate.
Vol. 132 (1986): Jan. 30, H.R. 4055 considered and passed House; S. 974, amended, passed in lieu.
Feb. 5, Senate disagreed to House amendment and requested a conference.
May 13, House agreed to conference report.
May 14, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22, No. 21 (1986): May 23, Presidential statement.

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100 STAT. 903

Public Law 99-401
99th Congress

An Act

Aug. 27, 1986
[S. 140]

To amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, particularly child sexual abuse cases, and to establish demonstration programs of temporary child care for handicapped children and crisis nurseries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Children's Justice and Assistance Act of 1986.
State and local governments.
42 USC 5101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Justice and Assistance Act of 1986".

TITLE I—CHILDREN'S JUSTICE

Children's Justice Act.
42 USC 5101 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Children's Justice Act".

Health and medical care.
42 USC 5103.

SEC. 102. CHILDREN'S JUSTICE GRANT.

(a) Grant Authorization.—Section 4 of the Child Abuse Prevention and Treatment Act (hereinafter in this title referred to as "the Act") is amended—

(1) by redesignating subsections (d), (e), (f), and (f) (the second time such designation appears), as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Secretary (acting through the Center and in consultation with the Attorney General) is authorized to make grants to the States for the purpose of assisting States in developing, establishing, and operating programs designed to improve (A) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim, and (B) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

"(2) In order for a State to qualify for assistance under this subsection, such State shall—

"(A) fulfill the requirements of subsections (b) (2) and (4) or receive a waiver of such requirements under subsection (b)(3);

"(B) establish a task force as provided in paragraph (3);

"(C) fulfill the requirements of paragraph (4); and

Reports. Records.

"(D) submit an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will make such reports to the Secretary as may reasonably be required and will maintain and provide access to records relating to activities under this subsection.

100 STAT. 904

"(3)(A) Except as provided in subparagraph (B), a State requesting assistance under this subsection shall establish or designate a multidisciplinary task force on children's justice (hereinafter referred to as "the task force") composed of professionals with knowledge and experience related to the criminal justice system and issues of child abuse. The task force shall include individuals representing the law enforcement community, judicial and legal officers (including individuals involved with the defense as well as the prosecution of such cases), child advocates, health and mental health professionals, individuals representing child protective service agencies, individuals experienced in working with handicapped children, parents, and parents' groups.

"(B) As determined by the Secretary, a commission or task force established after January 1, 1983, with substantially comparable membership and functions, may be considered the task force for the purposes of this subsection.

"(C) Before a State receives assistance under this subsection, the task force shall (i) review and evaluate State investigative, administrative, and judicial handling of cases of child abuse, particularly child sexual abuse, and (ii) make recommendations in each of the categories described in paragraph (4). The task force may make such other comments and recommendations as are considered relevant and useful.

"(4)(A) Subject to the provisions of subparagraph (B), the State shall adopt recommendations of the task force in each of the following categories:

"(i) investigative, administrative, and judicial handling of cases of child abuse, particularly child sexual abuse cases, in a manner which reduces the additional trauma to the child victim and which also ensures procedural fairness to the accused;

"(ii) experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse cases, and which also ensure procedural fairness to the accused; and

"(iii) reform of State laws, ordinances, regulations, and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse, while ensuring fairness to all affected persons.

"(B) As determined by the Secretary, a State shall be considered to be in fulfillment of the requirements of this paragraph if—

"(i) the State adopts an alternative to the recommendations of the task force, which carries out the purposes of this subsection, in each of the categories under subparagraph (A) for which the task force's recommendations are not adopted; or

"(ii) the State is making substantial progress toward adopting the recommendations of the task force or a comparable alternative to such recommendations.

"(5) For grants under paragraph (1), the Secretary shall use the amount authorized by section 1404A of the Victims of Crime Act of 1984.". *Post,* p. 905.

(b) CRIME VICTIMS FUND.—(1) Section 1402(c)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)(1)) is amended by striking out "$100 million" and inserting in lieu thereof "$110 million".

(2) Section 1402(d)(2) of such Act is amended to read as follows:

100 STAT. 905

"(2) The Fund shall be available as follows:

"(A) Of the first $100,000,000 deposited in the Fund in a particular fiscal year—

42 USC 10602.

"(i) 49.5 percent shall be available for grants under section 1403;

"(ii) 45 percent shall be available for grants under section 1404(a);

Infra.

"(iii) 1 percent shall be available for grants under section 1404(c); and

"(iv) 4.5 percent shall be available for grants as provided in section 1404A.

"(B) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 1404A.

"(C) Any deposits in the Fund in a particular fiscal year in excess of $105,500,000 shall be available for grants under section 1404(a).".

42 USC 10603.
42 USC 10601 note.

(3) The Victims of Crime Act of 1984 is amended by inserting after section 1404 the following new section:

"CHILD ABUSE PREVENTION AND TREATMENT GRANTS

42 USC 10603a.
Ante, p. 903.

"SEC. 1404A. Amounts made available by section 1402(d)(2) for the purposes of this section shall be obligated and expended by the Secretary of Health and Human Services for grants under section 4(d) of the Child Abuse Prevention and Treatment Act. Any portion of an amount which is not obligated by the Secretary by the end of the fiscal year in which funds are made available for allocation, shall be reallocated for award under section 1404(a), except that with respect to funds deposited during fiscal year 1986 and made available for obligation during fiscal year 1987, any unobligated portion of such amount shall remain available for obligation until September 30, 1988.".

42 USC 10603.

(4) Section 1404(c) of the Victims of Crime Act of 1984 is amended by striking out "(c)" and all that follows through "The Federal Administrator shall—" in paragraph (3) and inserting in lieu thereof the following: "(c)(1) The Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs, shall make grants—

"(A) for training and technical assistance services to eligible crime victim assistance programs; and

"(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs.

"(2) Of the amount available for grants under this subsection—

"(A) not less than 50 percent shall be used for grants under paragraph (1)(A); and

"(B) not more than 50 percent shall be used for grants under paragraph (1)(B).

"(3) The Assistant Attorney General for the Office of Justice Programs shall—".

42 USC 10602.

(5) Section 1404(a)(1) of the Victims of Crime Act of 1984 is amended by striking out "not used for grants under section 1403" and all that follows through "subsection (c)" and inserting in lieu thereof "made available by section 1402(d)(2) for the purpose of grants under this subsection, or for the purpose of grants under section 1403 but not used for that purpose".

100 STAT. 906

Health and medical care.
42 USC 5101.

SEC. 103. THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

(a) STUDIES AND REPORTS.—Section 2(b) of the Act is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (6), (7), (8), and (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

"(2) compile, evaluate, publish, and disseminate to each State such materials and information as may assist the States in achieving the objectives of section 4(d), including an evaluation of various methods and procedures for the investigation and prosecution of child physical and sexual abuse cases and resultant psychological trauma of the child victim;";

Ante, p. 903.

(3) by inserting after paragraph (4) (as so redesignated) the following new paragraph:

"(5) develop and disseminate, to appropriate State and local officials, model training materials to assist in training law enforcement, legal, judicial, medical, mental health, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children subjected to child abuse;";

(4) by amending paragraph (7) (as so redesignated) to read as follows:

Research and development.

"(7) conduct research on the causes, prevention, identification, and treatment of child abuse and neglect, and on appropriate and effective investigative, administrative, and judicial procedures in cases of child abuse;"; and

(5) by inserting after paragraph (9) (as so redesignated) the following new paragraph:

"(10) not later than two years after the first fiscal year for which funds are obligated under section 1404A of the Victims of Crime Act of 1984, the Secretary shall—

Ante, p. 905.

"(A) evaluate the effectiveness of assisted programs in achieving the objectives of section 4(d); and

Reports.

"(B) submit a report to the appropriate committees of the Congress of such evaluation and of technical assistance in achieving the objectives of such section provided to the States through the National Center on Child Abuse and Neglect.".

42 USC 5101 note.

(b) DISSEMINATION REQUIREMENT.—Information and materials under sections 2(b)(2) and 2(b)(5) of the Act shall be made available to appropriate State officials not later than 180 days after the date of enactment of this Act.

SEC. 104. COORDINATION OF FEDERAL PROGRAMS CONCERNING CHILD ABUSE.

42 USC 5105.

Section 6(a) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the first sentence "The Advisory Board shall meet at least every six months."; and

(2) in the second sentence by inserting "in order to prevent unnecessary duplication of such programs, to ensure efficient allocation of resources, and to assure that programs effectively address all aspects of the child abuse problem" after "Board".

SEC. 105. ACQUISITION OF STATISTICAL DATA.

42 USC 5101 note.

100 STAT. 907

(a) DATA ACQUISITION FOR 1987 AND 1988.—The Attorney General shall acquire from criminal justice agencies statistical data, for the calendar years 1987 and 1988, about the incidence of child abuse, including child sexual abuse, and shall publish annually a summary of such data.

(b) MODIFICATION OF UNIFORM CRIME REPORTING PROGRAM.—(1) As soon as practicable, but in no case later than January 1, 1989, the Attorney General shall modify the uniform crime reporting program in the Federal Bureau of Investigation to include data on the age of the victim of the offense and the relationship, if any, of the victim to the offender, for types of offenses that may involve child abuse, including child sexual abuse.

(2) The modification, once made, shall remain in effect until the later of—

(A) 10 years after the date it is made; or

(B) such ending date as may be set by the Attorney General.

SEC. 106. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

(a) SECTION 523.—Section 523(e) of the Public Health Service Act (42 U.S.C. 290dd-3(e)) is amended by adding after and below paragraph (2) the following: "The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.".

(b) SECTION 527.—Section 527(e) of such Act (42 U.S.C. 290ee-(3)) is amended by adding after and below paragraph (2) the following: "The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.".

Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986.
42 USC 5117 note.

TITLE II—TEMPORARY CHILD CARE FOR HANDICAPPED CHILDREN AND CRISIS NURSERIES

SEC. 201 SHORT TITLE.

This title may be cited as the "Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986".

Health and medical care
42 USC 5117.

SEC. 202. FINDINGS.

The Congress finds that it is necessary to establish demonstration programs of grants to the States to assist private and public agencies and organizations to provide: (A) temporary non-medical child care for children with special needs to alleviate social, emotional, and financial stress among children and families of such children, and (B) crisis nurseries for children who are abused and neglected, at risk of abuse or neglect, or who are in families receiving child protective services.

Health and medical care
42 USC 5117a.

SEC. 203. TEMPORARY CHILD CARE FOR HANDICAPPED AND CHRONICALLY ILL CHILDREN.

The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide in-home or out-of-home temporary non-medical child care for handicapped children, and children with chronic or terminal illnesses. Such care shall be provided on a sliding fee scale with hourly and daily rates.

42 USC 5117b.

SEC. 204. CRISIS NURSERIES.

100 STAT. 908

The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide crisis nurseries for children who are abused and neglected, are at high risk of abuse and neglect, or who are in families receiving child protective services. Such service shall be provided without fee for a maximum of 30 days in any year. Crisis nurseries shall also provide referral to support services.

Grants.
42 USC 5117c.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) APPLICATIONS.—

(1) Any State which desires to receive a grant under section 203 or 204 shall submit an application to the Secretary in such form and at such times as the Secretary may require. Such application shall—

(A) describe the proposed State program, including the services to be provided, the agencies and organizations that will provide the services, and the criteria for selection of children and families for participation in projects under the program;

(B) contain an estimate of the cost of developing, implementing, and evaluating the State program;

(C) set forth the plan for dissemination of the results of the projects; and

(D) specify the State agency designated to administer programs and activities assisted under this title and the plans for coordinating interagency support of the program.

(2) Such application shall contain assurances that—

(A) not more than 5 percent of funds made available under this title will be used for State administrative costs;

(B) projects will be of sufficient size, scope, and quality to achieve the objectives of the program;

(C) in the distribution of funds made available under section 203, a State will give priority consideration to agencies and organizations with experience in working with handicapped and chronically ill children and their families and which serve communities with the greatest need for such services;

(D) in the distribution of funds made available under section 204, the State will give priority consideration to agencies and organizations with experience in working with abused or neglected children and their families, and with children at high risk of abuse and neglect and their families, and which serve communities which demonstrate the greatest need for such services; and

(E) Federal funds made available under this title will be so used as to supplement and, to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in this title, and in no case supplant such State or local funds.

(b) Award of Grants.—

(1) In reviewing applications for grants under this title, the Secretary shall consider, among other factors, the equitable geographical distribution of grants.

(2) In the award of temporary non-medical child care demonstration grants under section 203, the Secretary shall give a preference to States in which such care is unavailable. 100 STAT. 909

(3) Of the funds appropriated under section 206, one-half shall be available for grants under section 203 and one-half shall be available for grants under section 204.

Reports.

(c) Evaluations.—States receiving grants under this title, shall annually submit a report to the Secretary evaluating funded programs. Such report shall include information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, and such other information as the Secretary may require.

(d) Definitions.—For the purposes of this title—

(1) the term "Secretary" means the Secretary of Health and Human Services;

(2) the term "handicapped children" has the meaning given such term in section 602(a)(1) of the Education of the Handicapped Act; 20 USC 1401.

(3) the term "crisis nursery" means a center providing temporary emergency services and care for children; and

(4) the term "non-medical child care" means the provision of care to provide temporary relief for the primary caregiver.

42 USC 5117d.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of this title such sums as may be necessary for each of the fiscal years 1987 and 1988. Such sums shall remain available until expended.

42 USC 5117 note.

SEC. 207. EFFECTIVE DATE.

This title shall take effect October 1, 1986.

Approved August 27, 1986.

LEGISLATIVE HISTORY—S. 140:

SENATE REPORTS: No. 99-123 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Aug. 4, considered and passed Senate.
Vol. 132 (1986): Aug. 4, considered and passed House, amended.
Aug. 12, Senate concurred in House amendments.

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100 STAT. 966

Public Law 99-425
99th Congress

An Act

Sept. 30, 1986
[H.R. 4421]

To authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes.

Human Services Reauthorization Act of 1986.
42 USC 9801 note.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Services Reauthorization Act of 1986".

TITLE I—THE HEAD START PROGRAM

SEC. 101. REAUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter $1,198,000,000 for fiscal year 1987, $1,263,000,000 for fiscal year 1988, $1,332,000,000 for fiscal year 1989, and $1,405,000,000 for fiscal year 1990.".

SEC. 102. ALLOTMENT OF FUNDS FOR INDIAN AND MIGRANT HEAD START PROGRAMS.

Subparagraph (A) of section 640(a)(2) of the Head Start Act (42 U.S.C. 9835(a)(2)(A)) is amended to read as follows:

"(A) Indian and migrant Head Start programs and services for handicapped children, except that there shall be made available for use by Indian and migrant Head Start programs, on a nationwide basis, no less funds for fiscal year 1987 and each subsequent fiscal year than were obligated for use by Indian and migrant Head Start programs for fiscal year 1985;".

SEC. 103. COORDINATION.

Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended by inserting before "programs" the following: "State and local".

SEC. 104. PRESERVATION OF INCOME CALCULATION METHOD.

Section 645(a)(2) of the Head Start Act (42 U.S.C. 9840(a)(2)) is amended by striking out "1986" and inserting in lieu thereof "1990".

TITLE II—FOLLOW THROUGH PROGRAM

SEC. 201. FOLLOW THROUGH.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 663 of the Follow Through Act (42 U.S.C. 9862(a)) is amended to read as follows:

"(a) There are authorized to be appropriated for carrying out the purposes of this subchapter $7,500,000 for fiscal year 1987, $7,800,000 for fiscal year 1988, $8,112,000 for fiscal year 1989, and $8,436,000 for fiscal year 1990.". 100 STAT. 967

(b) REPEALER.—Section 668 of the Follow Through Act (42 U.S.C. 9867) is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(c) TECHNICAL AMENDMENT.—Section 670 of the Follow Through Act (42 U.S.C. 9861 note) is amended by striking out "1986" and inserting in lieu thereof "1990".

TITLE III—DEPENDENT CARE STATE GRANT PROGRAM

SEC. 301. REAUTHORIZATION.

Section 670A of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 670A. For the purpose of making allotments to States to carry out the activities described in section 670D, there is authorized to be appropriated $20,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990.".

SEC. 302. AMENDMENTS ON DEPENDENT CARE SERVICES INFORMATION; LICENSING.

(a) DEPENDENT CARE SERVICES.—Subsection (a) of section 670D of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "shall" in the second sentence and inserting in lieu therof "may";

(3) by redesignating clauses (1), (2), (3), (4), (5), (6), and (7) in the second sentence as clauses (A), (B), (C), (D), (E), (F), and (G), respectively; and

(4) by striking out the third sentence and inserting in lieu thereof the following:

"(2) The State, with respect to the uses of funds described in paragraph (1) of this subsection shall—

"(A) provide assurances that no information will be included with respect to any dependent care services which are not provided in compliance with the laws of the State and localities in which such services are provided; and

"(B) provide assurances that the information provided will be the latest information available and will be kept up to date.".

(b) SCHOOL-AGE CHILD CARE SERVICES.—(1) Section 670D(b)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874(b)(1)) is amended by striking out "where school facilities are not available".

(2) Section 670D(b)(2)(E) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874(b)(2)(E)) is amended by inserting before "licensing laws" the following: "child care".

SEC. 303. SCHOOL-AGE CHILD DEFINITION.

Education.

Section 670G(7) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9877(7)) is amended by inserting before the semicolon a comma and the following: "except that in any State which by State

100 STAT. 968

law children at an earlier age are prov
the age provided in State law shall be

42 USC 9801 note.

SEC. 304. SHORT TITLE.

Subchapter D of chapter 8 of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871-9877) is amended by adding at the end thereof the following new section:

State Dependent Care Development Grants Act.

"SHORT TITLE

"SEC. 670H. This subchapter may be cited as the 'State Dependent Care Development Grants Act'.".

TITLE IV—COMMUNITY SERVICES BLOCK GRANT PROGRAM

SEC. 401. GENERAL AUTHORIZATION OF APPROPRIATIONS.

Subsection (b) of section 672 of the Community Services Block Grant Act (42 U.S.C. 9901) is amended to read as follows:

"(b) There is authorized to be appropriated $390,000,000 for fiscal year 1987, $409,500,000 for fiscal year 1988, $430,000,000 for fiscal year 1989, and $451,500,000 for fiscal year 1990, to carry out the provisions of this subtitle.".

SEC. 402. DEFINITION OF ELIGIBLE ENTITY.

The first sentence of section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)) is amended by inserting after "1981" a comma and the following: "or which came into existence during fiscal year 1982 as a direct successor in interest to such a community action agency or community action program and meets all the requirements under section 675(c)(3) of this Act with respect to the composition of the board".

42 USC 9904.

SEC. 403. REQUIREMENTS.

(a) TERMINATION PROCEDURES.—(1) Section 675(c)(11) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(11)) is amended by inserting "the procedures and" after "subject to".

(2) Section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a) is amended—

(A) by redesignating the section as subsection (b); and

(B) by inserting before the redesignated subsection (b) the following:

Agriculture and agricultural products.
State and local governments.
42 USC 9908.

"SEC. 676A. (a) Whenever a State violates the assurances contained in section 675(c)(11) and terminates the funding of a community action agency or migrant and seasonal farmworker organization prior to the completion of the State's hearing and the Secretary's review as required in section 679 of this Act, the Secretary shall assume responsibility for providing financial assistance to the community action agency or migrant and seasonal farmworker organization affected. The allotment for the State shall be reduced by an amount equal to the funds provided under this section by the Secretary to such agency or organization.".

(3) Section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a), as amended by this subsection, is amended by adding at the end thereof the following:

"(c) The Secretary shall conduct the review under subsection (b) through the Office of Community Services, which shall promptly conduct such review and issue a written determination together with the reasons of the Secretary therefor.".

100 STAT. 969

(4) The heading of section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a) is amended to read as follows:

"PROCEDURES FOR A REVIEW OF TERMINATION OF FUNDING".

(b) REPEAL OF EXECUTED PROVISION.—The last sentence of section 675(c) of the Community Services Block Grant Act (42 U.S.C. 9904(c)) is repealed.

SEC. 404. FISCAL EVALUATIONS.

Children and youth.
Aged persons.
Homeless persons.
Reports.

(a) GENERAL RULE.—Section 679(b)(1) of the Community Services Block Grant Act (42 U.S.C. 9908(b)(1)) is amended—

(1) by inserting "evaluations and" after "fiscal year";

(2) by adding before the period at the end thereof a comma and the following: "and especially with respect to compliance with subsections (a) and (b) of section 675, and clauses (1) through (11) of subsection (c) of such section"; and

State and local governments.

(3) by adding at the end thereof the following:

"Each such evaluation shall include identifying the impact that assistance furnished under this subtitle has on children, pregnant adolescents, homeless families, and the elderly poor. A report of the evaluation, together with recommendations of improvements designed to enhance the benefit and impact to people in need, will be sent to each State evaluated. Upon receiving the report the State will then submit a plan of action in response to the recommendation contained in the report. The results of the evaluation shall be submitted annually to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on Labor and Human Resources of the Senate.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 675 of the Community Services Block Grant Act (42 U.S.C. 9904(i)) is repealed.

SEC. 405. DISCRETIONARY AUTHORITY.

(a) GENERAL RULE.—(1) The matter preceding clause (1) of section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended—

(A) by striking out "is authorized, either directly or through" and inserting in lieu thereof "is authorized to make"; and

(B) by inserting "to enter into" before "contracts".

(2) Section 681(a)(1) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(1)) is amended by inserting before the semicolon a comma and the following: "including national conferences, newsletters, and collection and dissemination of data about programs and projects assisted under this subtitle".

Corporations.
Business and industry.
Employment and unemployment.
Disadvantaged persons.

(3) Subclause (A) of section 681(a)(2) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)(A)) is amended to read as follows:

> "(A) special programs of assistance, awarded on a competitive basis, to private, locally initiated, nonprofit community development corporations, (or affiliates of such corporations) governed by a board consisting of residents of the community and business and civic leaders, which sponsor enterprises providing employment and business development opportunities for low-income residents of the community designed to increase business and employment opportunities in the community;".

100 STAT. 970

(4) Section 681(a)(2)(D) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)(D)) is amended by inserting before the semicolon the following: "(in selecting entities to carry out such programs, the Secretary shall give priority to private nonprofit organizations that before the date of the enactment of the Human Services Reauthorization Act of 1986 carried out such programs under this subparagraph)".

(b) REPORTS ON PROJECTS.—Section 681 of the Community Services Block Grant Act (42 U.S.C. 9910) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b)(1) The final reports submitted by recipients of assistance under this section on projects completed with such assistance shall be summarized and reported by the Secretary annually to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on Labor and

Human Resources of the Senate. The report shall contain a list of recipients who have received assistance under this section outside of the competitive process.

"(2) The Secretary shall, at the end of each fiscal year, prepare and distribute a catalog listing all the projects assisted under clause (A) of subsection (a)(2) in such fiscal year. The catalog shall include—

"(A) a description of each project;

"(B) an identification of the agency receiving the award, including the name and address of the principal investigator;

"(C) a description of the project objectives; and

"(D) a statement of the accomplishments of the project.".

(c) Conforming Amendments.—(1) Section 674(a)(1)(B) of the Community Services Block Grant Act (42 U.S.C. 9903(a)(1)(B)) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

(2) Section 680(a) of the Community Services Block Grant Act (42 U.S.C. 9909(a)) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

(3) Section 614 of the Community Economic Development Act of 1981 (42 U.S.C. 9803) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

State and local governments.
Disadvantaged persons.
Employment and unemployment.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY FOOD AND NUTRITION.

Section 681A of the Community Services Block Grant Act (42 U.S.C. 9910a) is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b)(1) From 60 percent of the amount appropriated for a fiscal year to carry out this section, the Secretary shall allot for grants under subsection (a) to eligible agencies for statewide programs in each State an amount which bears the same ratio to 60 percent of such appropriation as the low-income and unemployed populations of such State bear to the low-income and unemployed populations of all the States.

"(2) Forty percent of the amount appropriated in a fiscal year to carry out this section shall be available for grants under subsection (a) to be awarded on a competitive basis to eligible agencies for local and statewide programs. In any fiscal year no agency may receive

100 STAT. 971

funds awarded in accordance with this paragraph in excess of $50,000.

"(c) There is authorized to be appropriated $3,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990 to carry out this section.".

SEC. 407. INTEREST RATES PAYABLE ON CERTAIN RURAL DEVELOPMENT LOANS; ASSIGNMENT OF LOAN CONTRACTS.

42 USC 9812a.

(a) Modification of Interest Rates.—Notwithstanding any other provision of law—

(1) any outstanding loan made after December 31, 1982, by the Secretary of Health and Human Services; or

(2) any loan made after the date of the enactment of this Act;

with moneys from the Rural Development Loan Fund established by section 623(c)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)(1)) or with funds available under section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) to an intermediary borrower shall bear interest at a fixed rate equal to the rate of interest that was in effect on the date of issuance for loans made in 1980 with such moneys or such funds if the weighted average rate of interest for all loans made after December 31, 1982, by such intermediary borrower with such moneys or such funds does not exceed the sum of 6 percent and the rate of interest payable under this subsection by such intermediary borrower.

Ante, pp. 969, 970.

State and local governments.
42 USC 9812a.

(b) Assignment of Certain Loan Contracts.—Any contract for a loan made during the period beginning on December 31, 1982, and ending on the date of the enactment of this Act with—

(1) moneys from the Rural Development Loan Fund established by section 623(c)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)(1)); or

(2) funds available under section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a));

to an intermediary borrower that is a county government may be assigned by such borrower to an entity to which such loan could have been made for the purpose for which such contract was made. Any entity to which such contract is so assigned shall be substituted as a party to such contract and shall be obligated to carry out such contract and the purpose for which such contract was made.

7 USC 1932 note.

(c) TECHNICAL AMENDMENT.—Section 1323(b)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(b)(2)) is amended—

(1) by striking out "authorized under" and inserting in lieu thereof "in, appropriated to, or repaid to";

(2) in subparagraph (A) by striking out "and" at the end thereof;

(3) in subparagraph (B) by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subparagraph:

"(C) notwithstanding paragraph (1), all funds other than funds to which subparagraph (A) applies shall be used by the Secretary to make loans—

"(i) to the entities;

"(ii) for the purposes; and

"(iii) subject to the terms and conditions;

specified in the first, second, and last sentences of section 623(a) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(a)). For purposes of this subparagraph, any reference in such sentences to the Secretary shall be deemed to be a reference to the Secretary of Agriculture.".

100 STAT. 972

42 USC 9910b.

SEC. 408. DEMONSTRATION PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

State and local governments. Research and development.

(a) GENERAL AUTHORITY.—(1) In order to provide for the self-sufficiency of the Nation's poor, the Secretary may make grants from funds appropriated under subsection (e) to eligible entities for the development and implementation of new and innovative approaches to deal with particularly critical needs or problems of the poor which are common to a number of communities. Grants may be made only with respect to applications which—

(A) involve activities which can be incorporated into or be closely coordinated with eligible entities' ongoing programs;

(B) involve significant new combinations of resources or new and innovative approaches involving partnership agreements; or

(C) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of the Community Services Block Grant Act.

42 USC 9901 note.

(2) No grant may be made under this section unless an application is submitted to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may require.

(b) FEDERAL SHARE; LIMITATIONS.—(1) Grants awarded pursuant to this section shall be used for new programs and shall not exceed 50 per centum of the cost of such new programs.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

(3) Not more than one grant may be made to any eligible entity, and no grant may exceed $250,000.

(4) No application may be approved for assistance under this section unless the Secretary is satisfied that—

(A) the activities to be carried out under the application will be in addition to, and not in substitution for, activities previously carried on without Federal assistance; and

(B) funds or other resources devoted to programs designed to meet the needs of the poor within the community, area, or State will not be diminished in order to provide the matching contributions required under this section.

(c) DISSEMINATION OF RESULTS.—As soon as practicable, but no later than 90 days after the expiration of the fiscal year for which any grant is awarded under this section, the Secretary shall prepare and make available upon request to each State and eligible entity descriptions of the demonstration programs assisted under this section, and any relevant information developed and results achieved, so as to provide models for innovative programs to other eligible entities.

(d) DEFINITIONS.—As used in this section—

(1) the term "eligible entity" has the same meaning given such term by section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)); and *Ante*, p. 968.

(2) the term "Secretary" means the Secretary of Health and Human Services.

100 STAT. 973

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 1987, 1988, and 1989, to carry out this section.

TITLE V—LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

SEC. 501. REAUTHORIZATION.

Subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the provisions of this title $2,050,000,000 for fiscal year 1987, $2,132,000,000 for fiscal year 1988, $2,218,000,000 for fiscal year 1989, and $2,307,000,000 for fiscal year 1990.".

SEC. 502. ADMINISTRATION OF ENERGY CRISIS INTERVENTION PROGRAM.

(a) ENERGY CRISIS INTERVENTION.—Section 2604(c) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(c)) is amended—

(1) in the last sentence—

(A) by striking out "and the capacity" and inserting in lieu thereof "the capacity"; and

(B) by inserting ", and the ability to carry out the program in local communities" before the period at the end thereof; and

(2) by adding at the end thereof the following:

"The program for which funds are reserved under this subsection shall—

"(1) not later than 48 hours after a household applies for energy crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits;

"(2) not later than 18 hours after a household applies for crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits and is in a life-threatening situation; and

"(3) require each entity that administers such program—

"(A) to accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served by such entity; and

"(B) to provide to low-income individuals who are physically infirm the means—

"(i) to submit applications for energy crisis benefits without leaving their residences; or

"(ii) to travel to the sites at which such application are accepted by such entity.

Disaster assistance.

42 USC 5121 note.

The preceding sentence shall not apply to a program in a geographical area affected by a natural disaster in the United States designated by the Secretary, or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974, for so long as such designation remains in effect, if the Secretary determines that such disaster or such emergency makes compliance with such sentence impracticable.".

42 USC 8623 note.

(b) ISSUANCE OF RULES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue rules to carry out the amendments made by subsection (a).

100 STAT. 974

SEC. 503. CALCULATION OF GRANTS TO INDIAN TRIBES.

Section 2604(d)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)(2)) is amended—

(1) by striking out "in such State with respect to which a determination under this subsection is made" and inserting in lieu thereof "and residing within the State on the reservation of the tribes or on trust lands adjacent to such reservation";

(2) by inserting before the period at the end of such section a comma and the following: "or such greater amount as the Indian tribe and the State may agree upon"; and

(3) by adding at the end thereof the following:

"In cases where a tribe has no reservation, the Secretary, in consultation with the tribe and the State, shall define the number of Indian households for the determination under this paragraph."

SEC. 504. APPLICATIONS AND REQUIREMENTS.

(a) STATE PROCEDURES.—Section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(5)) is amended by striking out "in a manner consistent with the efficient and timely payment of benefits" and inserting in lieu thereof "in a timely manner".

(b) CONFORMING AMENDMENTS.—Section 2605(b) of the Low-Income Home Energy Act of 1981 (42 U.S.C. 8624(b)) is amended—

(1) by striking out clauses (14), (15), and (16);

(2) by inserting "and" at the end of clause (13); and

(3) by redesignating clause (17) as clause (14).

(c) CONTENTS OF STATE PLAN.—Section 2605(c)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(c)(1)) is amended by striking out clauses (A) through (E) and inserting in lieu thereof the following:

"(A) describes the eligibility requirements to be used by the State for each type of assistance to be provided under this title, including criteria for designating an emergency under section 2604(c);

"(B) describes the benefit levels to be used by the States for each type of assistance including assistance to be provided for emergency crisis intervention and for weatherization and other energy-related home repair;

Ante, p. 973.

"(C) contains estimates of the amount of funds the State will use for each of the programs under such plan and describes the alternative use of funds reserved under section 2604(c) in the event any portion of the amount so reserved is not expended for emergencies;

"(D) describes weatherization and other energy-related home repair the State will provide under subsection (k);

"(E) describes how the State will carry out assurances in clauses (3), (4), (5), (6), (7), (8), (10), (12), and (13) of subsection (b); and

"(F) contains any other information determined by the Secretary to be appropriate for purposes of this title.".

(d) Model State Plan Format.—Section 2605(c) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(c)) is
100 STAT. 975 amended by adding at the end thereof the following new paragraph:

"(3) Not later than April 1 of each fiscal year the Secretary shall make available to the States a model State plan format that may be used, at the option of each State, to prepare the plan required under paragraph (1) for the next fiscal year.".

(e) Consistent Treatment of Energy Assistance Payments.—Section 2605(f) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "provided to" and inserting in lieu thereof "provided directly to, or indirectly for the benefit of,"; and

(3) by adding at the end thereof the following:

"(2) For purposes of paragraph (1) of this subsection and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e))—

"(A) the full amount of such payments or allowances shall be deemed to be expended by such household for heating or cooling expenses, without regard to whether such payments or allowances are provided directly to, or indirectly for the benefit of, such household; and

"(B) no distinction may be made among households on the basis of whether such payments or allowances are provided directly to, or indirectly for the benefit of, any of such households.".

SEC. 505. GRANTS AND CONTRACTS FOR TECHNICAL ASSISTANCE AND TRAINING.

(a) Authority To Make Grants and Contracts.—The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) is amended by inserting after section 2609 the following new section:

"TECHNICAL ASSISTANCE AND TRAINING

42 USC 8628a.
Ante, p. 973.

"Sec. 2609A. (a) Of the amounts appropriated under section 2602(b) for any fiscal year, not more than $500,000 of such amounts may be reserved by the Secretary—

"(1) to make grants to State and public agencies and private nonprofit organizations; or

"(2) to enter into contracts or jointly financed cooperative arrangements with States and public agencies and private nonprofit organizations;

to provide for training and technical assistance related to the purposes of this subtitle, including collection and dissemination of information about programs and projects assisted under this subtitle, and ongoing matters of regional or national significance that the Secretary finds would assist in the more effective provision of services under this title.

"(b) No provision of this section shall be construed to prevent the Secretary from making a grant pursuant to subsection (a) to one or more private nonprofit organizations that apply jointly with a business concern to receive such grant.".

(b) Technical Amendments.—Section 2604(a)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)(1)) is amended—

(1) in subparagraph (A) by inserting "after reserving any amount permitted to be reserved under section 2609A and" after "remaining"; and

(2) in subparagraph (B) by inserting "after reserving any amount permitted to be reserved under section 2609A" after "therefor".

SEC. 506. CONTENT OF REPORTS.

Section 2610(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8629(b)) is amended by inserting before the period at the end thereof the following:
", and a report that describes for the prior fiscal year—

"(1) the manner in which States carry out the requirements of clauses (2), (5), (8), and (15) of section 2605(b); and

Ante, p. 974.

"(2) the impact of each State's program on recipient and eligible households".

TITLE VI—CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE PROGRAM

Child Development Associate Scholarship Assistance Act of 1985.
42 USC 10901 note.

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Development Associate Scholarship Assistance Act of 1985".

42 USC 10901.
42 USC 1397.

SEC. 602. GRANTS AUTHORIZED.

The Secretary is authorized to make a grant for any fiscal year to any State receiving a grant under title XX of the Social Security Act for such fiscal year to enable such State to award scholarships to eligible individuals within the State who are candidates for the Child Development Associate credential.

SEC. 603. APPLICATIONS.

State and local governments.
42 USC 10902.

(a) Application Required.—A State desiring to participate in the grant program established by this title shall submit an application to the Secretary in such form as the Secretary may require.

(b) Contents of Applications.—A State's application shall contain appropriate assurances that—

(1) scholarship assistance made available with funds provided under this title will be awarded—

(A) only to eligible individuals;

(B) on the basis of the financial need of such individuals; and

(C) in amounts sufficient to cover the cost of application, assessment, and credentialing for the Child Development Associate credential for such individuals; and

(2) not more than 10 percent of the funds received by the State under this title will be used for the costs of administering the program established in such State to award such assistance.

(c) Equitable Distribution.—In making grants under this title, the Secretary shall—

(1) distribute such grants equitably among States; and

(2) ensure that the needs of rural and urban areas are appropriately addressed.

Rural areas.
Urban areas.
42 USC 10903.

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "eligible individual" means a candidate for the Child Development Associate credential whose income does not exceed the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), by more than 50 percent;

(2) the term "Secretary" means the Secretary of Health and Human Services; and

(3) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau.

State and local governments.
42 USC 10904.

SEC. 605. ADMINISTRATIVE PROVISIONS.

(a) Reporting.—Each State receiving grants under this title shall annually submit to the Secretary information on the number of eligible individuals assisted under the grant program, and their positions and salaries before and after receiving the Child Development Associate credential.

(b) Payments.—Payments pursuant to grants made under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

42 USC 10905.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,500,000 for each of the fiscal years 1987, 1988, 1989, and 1990 for carrying out this title.

TITLE VII—EXCELLENCE IN EDUCATION

SEC. 701. TECHNICAL AMENDMENTS.

Section 604(b) of the Excellence in Education Act (20 U.S.C. 4033(b)) is amended—

(1) in paragraph (2) by inserting after "fiscal year" the second place it appears the following: "in which the appropriations for that year exceed $15,000,000"; and

(2) in paragraph (3) by inserting after "fiscal year" the second place it appears the following: "in which the appropriations for that year exceed $15,000,000".

TITLE VIII—REPORT REGARDING HOURS OF EMPLOYMENT OF BATBOYS AND BATGIRLS

SEC. 801. REPORT TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall—

(1) determine whether a change in the permissible hours of employment for batboys and batgirls would be detrimental to their well-being and whether any such change should be proposed to the Congress; and

(2) submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives describing the results of such determination.

100 STAT. 978

TITLE IX—BEGINNING READING INSTRUCTION STUDY AND LISTING REQUIRED

SEC. 901. STUDY AND LISTING REQUIRED.

(a) Study.—The Secretary of Education (hereinafter in this title referred to as the "Secretary") shall conduct a study in order to compile a complete list, by name, of beginning reading instruction programs and methods, including phonics, indicating—

(1) the average cost per pupil of such programs and methods; and

(2) whether such programs and methods do or do not present well-designed instruction as recommended in the report of the Commission on Reading entitled "Becoming a Nation of Readers".

The listing required by this section shall be written in such a way as to be understandable to the general public.

(b) Public Comment.—In carrying out the study required by this section, the Secretary shall solicit public comments on beginning reading programs and methods.

Public information.

(c) **Reports.**—The Secretary shall prepare and submit to the Congress such interim reports of the study and listing as the Secretary deems advisable. The Secretary shall prepare and submit a final report containing the listing required by this subsection to the Congress not later than 12 months after the date of the enactment of this Act. The Secretary shall publicize and disseminate nationally the listing required by this section to the education community, parents, and other interested persons.

TITLE X—EFFECTIVE DATES AND RELATED MATTERS

SEC. 1001. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

42 USC 8621 note.

(a) General Effective Date.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever occurs later.

(b) Effective Date for Energy Crisis Intervention Amendments.—The amendments made by section 502(a) shall take effect on December 1, 1986, or 60 days after the date of the enactment of this Act, whichever occurs later.

(c) Application of Certain Other Amendments Relating to Energy Assistance.—The amendments made by subsections (a), (b), (c), and (d) of section 504 shall not apply with respect to any fiscal year beginning in or before the 60-day period ending on the effective date of this Act.

Approved September 30, 1986.

LEGISLATIVE HISTORY—H.R. 4421 (S. 2444):

HOUSE REPORTS: No. 99-545 (Comm. on Education and Labor) and No. 99-815 (Comm. of Conference).
SENATE REPORTS: No. 99-327 accompanying S. 2444 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
  Apr. 29, considered and passed House.
  July 14, considered and passed Senate, amended, in lieu of S. 2444.
  Sept. 16, House agreed to conference report.
  Sept. 17, Senate agreed to conference report.

Public Law 99-496
99th Congress

100 STAT. 1261

An Act

Oct. 16, 1986
[S. 2069]

To make certain amendments to the Job Training Partnership Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Job Training Partnership Act Amendments of 1986.

SHORT TITLE

29 USC 1501 note.

Section 1. This Act may be cited as the "Job Training Partnership Act Amendments of 1986".

DESIGNATION OF SERVICE DELIVERY AREAS BASED ON LABOR MARKET AREAS

29 USC 1511.

Sec. 2. Section 101(a)(4)(A)(ii) of the Job Training Partnership Act (hereinafter in this Act referred to as the "Act") is amended by striking out "a labor market area" and inserting in lieu thereof "one or more labor market areas".

LITERACY AND DROPOUT PREVENTION PROGRAMS

29 USC 1533.

SEC. 3. Section 123 of the Act is amended—

(1) in subsection (a)—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by inserting at the end of such subsection the following new paragraph:

"(3) to provide—

"(A) literacy training to youth and adults;

"(B) dropout prevention and reenrollment services to youth, giving priority to youth who are at risk of becoming dropouts;

State and local governments.
29 USC 1605.

"(C) a State-wide school-to-work transition program operated in a manner consistent with section 205(e); or

"(D) any combination of the activities described in subparagraphs (A), (B), and (C) of this paragraph."; and

(2) in subsection (c)—

(A) by striking out the first sentence of paragraph (2)(B) and inserting in lieu thereof the following: "At least 80 percent of the funds available under this section shall be used for clauses (1) and (3) of subsection (a) for the Federal share of the cost of carrying out activities described in such clauses."; and

(B) by striking out "clause (1)" in paragraph (3) and inserting in lieu thereof "clauses (1) and (3)".

PRESIDENTIAL AWARDS FOR OUTSTANDING PRIVATE SECTOR INVOLVEMENT IN JOB TRAINING PROGRAMS

29 USC 1571 *et seq.*

SEC. 4. Part D of title I of the Act is amended by adding at the end thereof the following new section:

100 STAT. 1262

"PRESIDENTIAL AWARDS FOR OUTSTANDING PRIVATE SECTOR INVOLVEMENT IN JOB TRAINING PROGRAMS

29 USC 1582.

"SEC. 172. (a)(1)(A) The President is authorized to make Presidential awards for outstanding achievement by the private sector in the job training partnership program authorized by this Act. The President is authorized to make such awards to individuals who, and organizations which, have demonstrated outstanding achievement in planning and administering job training partnership programs or in contributing to the success of the job training partnership program.

"(B) In making the awards pursuant to subparagraph (A) of this paragraph, the President shall consider the effectiveness of the program for which the award is made.

"(2) The President is authorized to make Presidential awards for model programs in the job training partnership program authorized by this Act which demonstrate effectiveness in addressing the job training needs of groups of individuals with multiple barriers to employment.

"(b)(1) Each year the President is authorized to make such awards under subsection (a) of this section as the President determines will carry out the objectives of this Act.

State and local governments.

"(2) The President shall establish such selection procedures, after consultation with the Secretary and the Governors of the States, as may be necessary.".

INTRASTATE HOLD HARMLESS ALLOCATION REQUIREMENT

29 USC 1602.

SEC. 5. (a) Section 202(a) of the Act is amended—

(1) in paragraph (2), by striking out "Of" and inserting in lieu thereof "Subject to the provisions of paragraph (3), of";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) For fiscal years beginning after September 30, 1986, no service delivery area within any State shall be allocated an amount equal to less than 90 percent of the average of its allocation percentage for the two preceding fiscal years preceding the fiscal year for which the determination is made. The allocation percentage for a service delivery area is the percentage which the service delivery area received of the total amount allocated pursuant to this subsection to all service delivery areas within the State for each such preceding fiscal year. If the amounts appropriated pursuant to section 3 (a) and (b) are not sufficient to provide an amount equal to at least 90 percent of such allocation percentages to each such area, the amounts allocated to each area shall be ratably reduced.".

29 USC 1631.

(b) Section 251(b) of the Act is amended by striking out "section 202(a)(2) and (3)" and inserting in lieu thereof "section 202(a) (2), (3), and (4)".

USE OF INCENTIVE GRANT FUNDS

SEC. 6. Section 202(b)(3)(B) of the Act is amended—

(1) by striking out "which do not qualify for incentive grants under this subparagraph"; and

State and local governments.
29 USC 1518.

(2) by adding at the end thereof the following: "Funds available under this subparagraph may, without regard to section 108(a), be used by the Governor or a service delivery area during not more than two program years to develop and implement a data collection system to track the postprogram experience of participants under this part.".

100 STAT. 1263

SERVICES TO YOUTH

29 USC 1603.

SEC. 7. Section 203(b)(1) of the Act is amended by adding at the end thereof the following new sentence: "For the purpose of the preceding sentence, the term 'eligible youth' includes individuals who are 14 and 15 years of age and enrolled in pre-employment skills training.".

SUMMER YOUTH EMPLOYMENT ASSESSMENT AND GOALS

29 USC 1631 *et seq.*
29 USC 1631–1634.

SEC. 8. (a) Part B of title II of the Act is amended by—

(1) redesignating sections 251 through 254, and all references thereto, as sections 252 through 255, respectively; and

(2) inserting after the part heading the following new section:

"PURPOSE

29 USC 1630.

"SEC. 251. The purpose of programs assisted under this part is to—

"(1) enhance the basic educational skills of youth;

"(2) encourage school completion, or enrollment in supplementary or alternative school programs; and

"(3) provide eligible youth with exposure to the world of work.".

29 USC 1632.

(b) Section 253 of the Act (as redesignated by subsection (a)(1) of this section) is amended by—

(1) inserting "(a)" before "Funds"; and

(2) adding at the end thereof the following new subsection:

Education.
29 USC 1514.

"(b) A service delivery area shall assess the reading and mathematics skill levels of eligible participants in programs funded by this part and shall expend funds (from this Act or otherwise available to the service delivery area, or both) for basic and remedial education as described in the job training plan under section 104.".

29 USC 1634.

(c) Section 255 of the Act (as redesignated by subsection (a)(1) of this section) is amended by—

(1) inserting "(a)" before "private"; and

(2) adding at the end thereof the following new subsection:

"(b) In accordance with the provisions of subsection (a), each service delivery area shall establish written program goals and objectives which shall be used for evaluating the effectiveness of programs conducted under this part. Such goals and objectives may include—

"(1) improvement in school retention and completion;

"(2) improvement in academic performance, including mathematics and reading comprehension;

"(3) improvement in employability skills; and

"(4) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol prevention and treatment programs.".

100 STAT. 1264

(d) The table of contents of the Act relating to part B of title II is amended to read as follows:

"PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purposes.
"Sec. 252. Authorization of appropriations; allotment and allocation.
"Sec. 253. Use of funds.
"Sec. 254. Limitations.
"Sec. 255. Applicable provisions.".

AVAILABILITY OF SUMMER YOUTH PROGRAMS DURING NONSUMMER MONTHS

Education.
29 USC 1633.

SEC. 9. Section 254(a) of the Act (as redesignated by section 8(a)(1) of this Act) is amended by inserting before the period at the end thereof the following: ", except that a service delivery area may, within the jurisdiction of any local educational agency that operates its schools on a year-round, full-time basis, offer the programs under this part to participants during a vacation period treated as the equivalent of a summer vacation".

PROHIBITION OF MATCHING ON GRANTS FROM SECRETARY'S DISCRETIONARY FUNDS UNDER TITLE III

State and local governments.
29 USC 1651.

SEC. 10. Section 301(c) of the Act is amended by adding at the end thereof the following new sentence: "Such criteria shall not include any requirement that, in order to receive assistance under this subsection, the state shall provide a matching amount with funds available from one or more other sources.".

IDENTIFICATION OF DISLOCATED WORKERS

29 USC 1652.

SEC. 11. (a) Section 302(a) of the Act is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by inserting at the end thereof the following:

"(4) were self-employed (including farmers) and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters subject to the next sentence.

The Secretary shall establish categories of self-employed individuals and of economic conditions and natural disasters to which clause (4) of the preceding sentence applies.".

(b) Section 302(c) of the Act is amended by adding at the end thereof the following new paragraph:

State and local governments.

"(3) A State may serve any eligible individual under this part without regard to the residence of such individual.".

TAXATION OF JOB CORPS OPERATIONS PROHIBITED

State and local governments.
29 USC 1707.

SEC. 12. Section 437(c) of the Act is amended to read as follows:

"(c) Transactions conducted by a private for-profit contractor or a nonprofit contractor in connection with the contractor's operation of a Job Corps Center, program, or activity shall not be considered as generating gross receipts. Such contractors shall not be liable, directly or indirectly, to any State or subdivision thereof (nor to any person acting on behalf thereof) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such contractor for operating a Job Corps Center, program, or activity. Such contractors shall not be liable to 100 STAT. 1265 any State or subdivision thereof to collect or pay any sales, excise, use, or similar tax imposed upon the sale to or use by such contractors of any property, service, or other item in connection with the operation of a Job Corps Center, program, or activity.".

ADDITIONAL EXPERIMENTAL AND DEVELOPMENTAL PROJECTS AUTHORIZED

SEC. 13. Section 453(a) of the Act is amended— 29 USC 1733.

(1) by inserting "(1)" after the subsection designation, and

(2) by adding at the end thereof the following new paragraph:

"(2) From funds made available under this part, the Secretary may provide financial assistance for pilot projects for the training of individuals who are threatened with loss of their jobs due to technological changes, international economic policies or, general economic conditions.". Grants. Loans.

PROJECTS FOR SPECIAL POPULATIONS

SEC. 14. (a) Part D of title IV of the Act is amended by adding at the end thereof the following new section: 29 USC 1736.

"PROJECTS FOR SPECIAL POPULATIONS

"SEC. 456. In carrying out this part, the Secretary shall include projects designed to serve populations with multiple barriers to employment, such as individuals listed in section 203(a)(2) and individuals not otherwise targeted for assistance under this Act, with special consideration for displaced homemakers and the handicapped.". Handicapped persons. 29 USC 1603.

(b)(1) Section 4 of the Act is amended by inserting at the end thereof the following new paragraph: 29 USC 1503.

"(29) The term 'displaced homemaker' means an individual who—

"(A) was a full-time homemaker for a substantial number of years; and

"(B) derived the substantial share of his or her support from—

"(i) a spouse and no longer receives such support due to the death, divorce, permanent disability of, or permanent separation from the spouse; or

"(ii) public assistance on account of dependents in the home and no longer receives such support.".

(2) The table of contents of the Act is amended by adding after item "Sec. 455." the following new item:

"Sec. 456. Projects for special populations.".

VETERANS AMENDMENTS

SEC. 15. (a)(1) Section 4(5) of the Act is amended by inserting after "handicapped" a comma and the following: "including disabled veterans". 29 USC 1503.

(2) Section 4(27) of the Act is amended by adding at the end thereof the following new subparagraph:

100 STAT. 1266 "(C) The term 'recently separated veteran' means any veteran who applies for participation under any title of this Act within 48 months of the discharge or release from active military, naval, or air service.

"(D) The term 'Vietnam era veteran' means a veteran any part of whose active military service occurred between August 5, 1964, and May 7, 1975.".

29 USC 1516. (b) Section 106(d)(3) of the Act is amended by striking out "and offenders" and inserting in lieu thereof "disabled and Vietnam era veterans, including veterans who served in the Indochina Theater between August 5, 1964, and May 7, 1975, and offenders".

29 USC 1518. (c) Section 108(c)(2)(B)(ii) of the Act is amended by inserting after "handicapped individuals" a comma and the following: "including disabled veterans".

29 USC 1531. (d) Section 121(c)(10) of the Act is amended by adding before the period at the end thereof a comma and the following: "including Veterans' Administration programs".

29 USC 1533. (e) Section 123(c)(1) of the Act is amended by inserting after "offenders" a comma and the following: "veterans,".

29 USC 1534. (f) Section 124(b) of the Act is amended by inserting after "nonprofit private organizations" a comma and the following: "including veterans organizations".

FARMER AND RANCHER DISLOCATION REPORT

Agriculture and agricultural commodities.

SEC. 16. Within 12 months after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Congress which—

(1) uses data sources within the Departments of Labor, Agriculture, Commerce, and other Federal agencies to describe the dislocation of farmers and ranchers resulting from farm and ranch failures;

(2) identifies and utilizes data sources and on-going studies conducted at the State and local levels, both within the public and private sectors, identifying and outlining the problem of farmer and rancher dislocation; and

(3) examines the feasibility of establishing a national statistical data collection program for permanently dislocated farmers and ranchers.

Approved October 16, 1986.

LEGISLATIVE HISTORY—S. 2069 (H.R. 5185):

HOUSE REPORTS: No. 99-754 accompanying H.R. 5185 (Comm. on Education and Labor).
SENATE REPORTS: No. 99-317 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
June 13, considered and passed Senate.
Aug. 11, H.R. 5185 considered and passed House; proceedings vacated and S. 2069, amended, passed in lieu.
Sept. 29, Senate concurred in House amendments with an amendment.
Oct. 1, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986): Oct. 16, Presidential statement.

Public Law 99-506
99th Congress

100 STAT. 1807

An Act

To extend and improve the Rehabilitation Act of 1973.

Oct. 21, 1986
[H.R. 4021]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rehabilitation Act Amendments of 1986.
29 USC 701 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Rehabilitation Act Amendments of 1986".

(b) Table of Contents.—The table of contents is as follows:

TABLE OF CONTENTS

TITLE I—AMENDMENTS TO THE GENERAL PROVISIONS

Sec. 101. Statement of purpose.
Sec. 102. Rehabilitation Services Administration.
Sec. 103. Definitions.
Sec. 104. Monitoring, evaluation, and administration.
Sec. 105. Reports.
Sec. 106. Evaluation.
Sec. 107. Transfer of funds.
Sec. 108. State administration.
Sec. 109. Review of applications.

TITLE II—VOCATIONAL REHABILITATION SERVICES

Sec. 201. Authorization of appropriations.
Sec. 202. State plans.
Sec. 203. Individualized rehabilitation program.
Sec. 204. Scope of vocational rehabilitation services.
Sec. 205. Non-Federal share for construction.
Sec. 206. State allotments.
Sec. 207. Funds for American Indian vocational rehabilitation services.
Sec. 208. Payments to States; maintenance of effort.
Sec. 209. Client assistance program.
Sec. 210. Payments to States.
Sec. 211. American Indian vocational rehabilitation services grants.
Sec. 212. Study of needs of American Indians with handicaps.

TITLE III—RESEARCH AND TRAINING

Sec. 301. Authorization of appropriations.
Sec. 302. Redesignation of national institute.
Sec. 303. National Institute on Disability and Rehabilitation Research.
Sec. 304. Composition of Interagency committee.
Sec. 305. Research.

TITLE IV—SUPPLEMENTARY SERVICES AND FACILITIES

Sec. 401. Grants for construction of rehabilitation facilities.
Sec. 402. Vocational training services for individuals with handicaps.
Sec. 403. Training.
Sec. 404. Comprehensive rehabilitation centers.
Sec. 405. Special projects and supplementary services; reauthorization.
Sec. 406. Special demonstration programs.
Sec. 407. Special recreational programs.

TITLE V—NATIONAL COUNCIL ON THE HANDICAPPED

Sec. 501. Purpose of the Council.
Sec. 502. Duties of National Council.
Sec. 503. Staff.
Sec. 504. Reauthorization.

100 STAT. 1808

TITLE VI—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Sec. 601. Architectural and Transportation Barriers Compliance Board.
Sec. 602. Interagency Coordinating Council.
Sec. 603. Electronic equipment accessibility.

TITLE VII—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS

Sec. 701. Equitable distribution of assistance.
Sec. 702. Reauthorization of part A of title VI.
Sec. 703. Projects with industry.

Sec. 704. Projects with industry reauthorization.
Sec. 705. Supported employment opportunities for individuals with severe handicaps.

TITLE VIII—SERVICES FOR INDEPENDENT LIVING

Sec. 801. Eligibility for comprehensive services.
Sec. 802. State plan assurance.
Sec. 803. State independent living council.
Sec. 804. Grants for centers for independent living.
Sec. 805. Evaluation and review of independent living centers.
Sec. 806. Reauthorization for title VII.

TITLE IX—AMENDMENTS TO OTHER LAWS

Sec. 901. Reauthorization of Helen Keller National Center Act.
Sec. 902. President's Committee on Employment of the Handicapped.

TITLE X—TECHNICAL AND MISCELLANEOUS PROVISIONS

Sec. 1001. Use of gender neutral terminology in Act.
Sec. 1002. Technical and conforming amendments.
Sec. 1003. Civil rights remedies equalization.
Sec. 1004. Cost rate report of secretary.
Sec. 1005. Maintenance of effort.
Sec. 1006. Effective Date.

TITLE I—AMENDMENTS TO THE GENERAL PROVISIONS

29 USC 701.

SEC. 101. STATEMENT OF PURPOSE.

Section 2 of the Rehabilitation Act of 1973 (hereinafter referred to as the "Act") is amended by inserting immediately before the period at the end thereof a comma and "for individuals with handicaps in order to maximize their employability, independence, and integration into the workplace and the community".

29 USC 702.

SEC. 102. REHABILITATION SERVICES ADMINISTRATION.

(a) QUALIFICATION OF COMMISSIONER.—Section 3 of the Act is amended by inserting after the second sentence the following new sentence: "The Commissioner shall be an individual with substantial experience in rehabilitation and in rehabilitation program management.".

(b) STAFFING.—Section 3 of the Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall take such action as necessary to ensure that—

"(1) the staffing of the Rehabilitation Services Administration shall be in sufficient numbers to meet program needs and at levels which will attract and maintain the most qualified personnel; and

100 STAT. 1809

"(2) such staff includes individuals who have training and experience in the provision of rehabilitation services and that staff competencies meet professional standards.".

29 USC 706.

SEC. 103. DEFINITIONS.

(a) EVALUATION OF REHABILITATION POTENTIAL.—Paragraph (5) of section 7 of the Act is amended—

(1) by inserting "recreational," in subparagraph (B) after "cultural, social,";

(2) by inserting "employability" after "individual's" the second time it appears;

(3) by striking out "and" at the end of subparagraph (F);

(4) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof a semicolon and "and"; and

(5) by adding at the end thereof the following new subparagraph:

"(H) where appropriate, the provision of rehabilitation engineering services to any individual with a handicap to assess and develop the individual's capacities to perform adequately in a work environment.".

(b) EMPLOYABILITY.—Section 7 of the Act is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) The term 'employability', with respect to an individual, means a determination that, with the provision of vocational rehabilitation services, the individual is likely to enter or retain, as a primary objective, full-time employment, and when appropriate, part-time employment, consistent with the capacities or abilities of the individual in the competitive labor market or any other vocational outcome the Secretary may determine consistent with this Act.".

(c) FEDERAL SHARE.—

Effective date.

(1) Effective October 1, 1988, section 7(7) of the Act (as redesignated by subsection (b)) is amended to read as follows:

"(7)(A) Subject to subparagraphs (B) and (C), the term 'Federal share' means 80 percent.

29 USC 731.

"(B) For any fiscal year for which payments to a State under section 111(a) exceed such payments for fiscal year 1988, the Federal share for those payments in excess of the fiscal year 1988 amount shall be 79 percent for fiscal year 1989, 78 percent for fiscal year 1990, 77 percent for fiscal year 1991, 76 percent for fiscal year 1992, and 75 percent for fiscal year 1993.

29 USC 740.
29 USC 771.
29 USC 730.
29 USC 723.

"(C) The term 'Federal share' means 90 percent for the purposes of part C of title I of this Act and as specifically set forth in section 301(b)(3), except that with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to the State.

State and local governments.

"(D) For the purpose of determining the non-Federal share with respect to a State, expenditures by a political subdivision thereof or by a local agency shall be regarded as expenditures by such State, subject to such limitations and conditions as the Secretary shall by regulation prescribe.".

100 STAT. 1810

Effective date.
29 USC 730.

(2) Effective October 1, 1988, section 110(b)(2) of the Act is amended by striking out "80 percent" both places it appears and inserting in lieu thereof "the applicable Federal share".

(d) HANDICAPPED INDIVIDUAL.—

29 USC 706.

(1) Section 7(8) of the Act (as redesignated by subsection (b)) is amended by striking out "handicapped individual" both places it appears and inserting in lieu thereof "individual with handicaps"; and

(2) The Act is amended—

(A) by striking out "a handicapped individual" each place it appears and inserting in lieu thereof "an individual with handicaps";

(B) by striking out "handicapped individual" each place it appears and inserting in lieu thereof "individual with handicaps"; and

(C) by striking out "handicapped individuals" each place it appears and inserting in lieu thereof "individuals with handicaps".

Indians.

(e) LOCAL AGENCY.—Section 7(9) of the Act (as redesignated by subsection (b)) is amended in the first sentence by striking out "Indian tribal organization (or combination of such units or organizations)" and inserting "Indian tribe (or combination of such units or tribes)".

(f) REHABILITATION ENGINEERING.—Section 7 of the Act is further amended by redesignating paragraphs (11), (12), and (13) as paragraphs (13), (14), and (15), respectively, and by inserting before paragraph (13) (as redesignated) the following new paragraph:

"(12) The term 'rehabilitation engineering' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with handicaps in areas which include education, rehabilitation, employment, transportation, independent living, and recreation.".

(g) Rehabilitation Facility.—Paragraph (13) of section 7 of the Act (as redesignated by subsection (f) of this section) is amended—

(1) by striking out "and" at the end of subparagraph (K);

(2) by striking out the period at the end of subparagraph (L) and inserting in lieu thereof a comma and "and"; and

(3) by adding at the end thereof "(M) psychosocial rehabilitation services for individuals with chronic mental illness.".

(h) Severe Handicap.—

(1) Paragraph (15) of section 7 of the Act (as redesignated by subsection (c)) is amended to read as follows:

"(15)(A) Except as provided in subparagraph (B), for purposes of this Act the term 'individual with severe handicaps' means an individual with handicaps (as defined in paragraph (8))—

"(i) who has a severe physical or mental disability which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employability;

"(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

100 STAT. 1811

"(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

29 USC 796. "(B) For purposes of title VII of this Act the term 'individual with severe handicaps' means an individual whose ability to function independently in family or community or whose ability to engage or continue in employment is so limited by the severity of his or her physical or mental disability that independent living rehabilitation services are required in order to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment.".

(2) The Act is amended by striking out "severely handicapped individuals" each place it appears and inserting in lieu thereof "individuals with severe handicaps".

29 USC 706. (i) Supported Employment.—Section 7 of the Act is further amended—

(1) by redesignating paragraphs (14) and (15) as paragraphs (16) and (17), respectively; and

(2) by adding at the end thereof the following new paragraph:

"(18) The term 'supported employment' means competitive work in integrated work settings—

"(A) for individuals with severe handicaps for whom competitive employment has not traditionally occurred, or

"(B) for individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability, and who, because of their handicap, need on-going support services to perform such work. Such term includes transitional employment for individuals with chronic mental illness. For the purpose of this Act, supported employment as defined in this paragraph may be considered an acceptable outcome for employability.".

(j) INDIAN.—Section 7 of the Act is further amended by inserting at the end thereof the following new paragraphs:

"(19) The term 'public or nonprofit agency or organization' shall include an Indian tribe.

"(20) The terms 'Indian', 'American Indian', and 'Indian American' mean an individual who is a member of an Indian tribe.

"(21) The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act).".

43 USC 1601 note.

SEC. 104. MONITORING, EVALUATION, AND ADMINISTRATION.

29 USC 711.

(a) MONITORING AND EVALUATION.—Section 12(a) of the Act is amended by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

"(5) provide monitoring and conduct evaluations.".

100 STAT. 1812

(b) INFORMATION TASK FORCE.—Section 12(b) of the Act is amended—

29 USC 711.

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) In carrying out the provisions of this Act, the Commissioner shall appoint such task forces as may be necessary to collect and disseminate information in order to improve the ability of the Commissioner to carry out the provisions of this Act.".

SEC. 105. REPORTS.

Section 13 of the Act is amended—

29 USC 712.

(1) in the first sentence by striking out "for transmittal" and inserting in lieu thereof "and";

(2) by striking out the period at the end of the first sentence and inserting in lieu thereof ", including the activities and staffing of the information clearinghouse under section 15."; and

(3) by inserting at the end thereof "The annual report shall include an evaluation of the status of individuals with severe handicaps participating in programs under this Act.".

SEC. 106. EVALUATION.

(a) EVALUATION GENERAL RULE.—The first sentence of section 14(a) of the Act is amended to read as follows: "For the purpose of improving program management and effectiveness, the Commissioner shall evaluate all the programs authorized by this Act, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs.".

29 USC 713.

(b) REPORT OF THE COMMISSIONER.—Section 14(c) of the Act is amended by inserting "including the standards used for such evaluations," after "effectiveness,".

(c) USE OF STANDARDS.—Section 14 of the Act is amended by striking out "Secretary" each time it appears and inserting in lieu thereof "Commissioner".

SEC. 107. TRANSFER OF FUNDS.

Section 16 of the Act is amended to read as follows:

"TRANSFER OF FUNDS

Contracts
Grants.
29 USC 715.

"SEC. 16. (a) Except as provided in subsection (b) of this section, no funds appropriated under this Act for any research program or activity may be used for any purpose other than that for which the funds were specifically authorized.

"(b) No more than one-half of 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this Act may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.".

SEC. 108. STATE ADMINISTRATION.

100 STAT. 1813

(a) STATE ADMINISTRATION.—The Act is amended by inserting after section 16 the following new section:

"STATE ADMINISTRATION

29 USC 716.

"SEC. 17. The application of any State rule or policy relating to the administration or operation of programs funded by this Act (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 16 the following:

"Sec. 17. State administration.".

SEC. 109. REVIEW OF APPLICATIONS.

(a) REVIEW AUTHORIZED.—The Act is amended by inserting after section 17 (as added by section 108) the following new section:

"REVIEW OF APPLICATIONS

Grants.
Contracts.
29 USC 717.

"SEC. 18. Applications for grants or contracts in excess of $60,000 in the aggregate authorized to be funded under this Act other than grants or contracts for evaluations, dissemination, or conferences shall be reviewed by panels of experts which shall include a majority of non-Federal members. Non-Federal members may be provided travel, per diem, and consultant fees not to exceed the rate provided for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 16 the following:

"Sec. 18. Review of applications.".

TITLE II—VOCATIONAL REHABILITATION SERVICES

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

29 USC 720.

(a) STATE GRANT AUTHORIZATION.—Section 100(b)(1) of the Act is amended to read as follows—

29 USC 732.
29 USC 721.

"(b)(1)(A) For the purpose of making grants to States under part B of this title (other than grants under section 112) to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $1,281,000,000 for fiscal year 1987 and the amount determined under subsection (c) for each of the fiscal years 1988, 1989, 1990, and 1991. The amount determined under subsection (c) for each fiscal year shall be based upon the amount authorized by this subsection, or the amount appropriated for this subsection, whichever is higher, plus the amount of the Consumer Price Index addition determined under subsection (c) for the immediately preceding fiscal year.

"(B) In addition, there are authorized to be appropriated for such purpose such additional sums as may be necessary for each of the fiscal years 1987 through 1991. Any such sums shall be allocated in accordance with section 110(a)(4). 29 USC 730.

"(C) In no event may the amount appropriated for the purpose of making grants to States under part B of this title (other than section 112) be more than $1,281,000,000 for fiscal year 1987, $1,409,100,000 for fiscal year 1988, $1,550,010,000 for fiscal year 1989, $1,705,011,000 for fiscal year 1990, and $1,875,512,100 for fiscal year 1991.".

100 STAT. 1814

(b) INNOVATION AND EXPANSION GRANTS AUTHORIZATION.—Section 100(b)(2) of the Act is amended to read as follows: 29 USC 720.

"(2) For the purpose of allotments under section 120(a)(1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.". 29 USC 740.

(c) CONFORMING AMENDMENT.—Section 100(d) of the Act is amended by striking out "1986" and inserting "1991".

SEC. 202. STATE PLANS.

(a) ASSESSMENT OF REHABILITATION NEEDS.—

(1) Section 101(a)(5)(A) of the Act is amended— 29 USC 721.

(A) by inserting "the results of a comprehensive, Statewide assessment of the rehabilitation needs of individuals with severe handicaps residing within the State and the State's response to the assessment," after "including";

(B) by inserting after "severe handicaps" the first time it appears, the following: "including individuals served under part C of title VI of this Act,"; *Post*, p. 1834.

(C) by striking out "show (i)" and inserting in lieu thereof "(i) show and provide the justification for"; and

(D) by inserting "show" after "(ii)".

(2) Section 101(a)(5) of the Act is amended—

(A) by striking out "and" at the end of subclause (A);

(B) by inserting "and" at the end of subclause (B); and

(C) by adding at the end thereof the following new subclause:

"(C) describe how rehabilitation engineering services will be provided to assist an increasing number of individuals with handicaps;".

(b) PERSONNEL.—Section 101(a)(7)(B) of the Act is amended by inserting "qualified" after "facilities and".

(c) PROVISION OF SERVICES.—Section 101(a)(8) of the Act is amended to read as follows:

"(8) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) and clause (12) of section 103(a), and for the provision of such other services as are specified under such section after a determination that comparable services and benefits are not available under any other program, except that such determinations shall not be required where it would delay the provision of such services to any individual at extreme medical risk;". 29 USC 723.

(d) COOPERATIVE ARRANGEMENTS.—Section 101(a)(11) of the Act is amended by inserting "community mental health programs," after "veterans programs,".

(e) NEEDS ASSESSMENT.—Section 101(a)(15) of the Act is amended—

(1) by striking out "(including" and inserting in lieu thereof ", including conducting a full needs assessment for serving individuals with severe handicaps and including"; and

(2) by striking out "agency)" and inserting in lieu thereof "agency".

(f) CONSULTATION WITH INDIAN TRIBES.—Section 101(a)(20) of the Act is amended by inserting "as appropriate, the State shall actively consult with Indian tribes and tribal organizations and native Hawaiian organizations in the development of the State plan, and that," after "Commissioner that,".

29 USC 721.
100 STAT. 1815

(g) PUBLIC MEETINGS; TRANSITION.—Section 101(a) of the Act is amended—

(1) in paragraph (21) by striking out "and" after "organizations;";

(2) in paragraph (22) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by inserting at the end thereof the following new paragraphs:

"(23)(A) provide satisfactory assurances that in the formulation of policies governing the provision of the rehabilitation services consistent with the State plan, and any revisions, that the State agency conducts public meetings throughout the State, after appropriate and sufficient notice, to allow interested groups and organizations and all segments of the public an opportunity to comment on the State plan, and (B) include a summary of such comments and the State agency's response to such comments;

"(24) contain the plans, policies, and methods to be followed to assist in the transition from education to employment related activities.".

(h) SUPPORTED EMPLOYMENT SERVICES.—Section 101(a) of the Act (as amended by subsection (g))—

(1) by striking out the period at the end of clause (24) and inserting in lieu thereof a semicolon and the word "and"; and

(2) by adding at the end thereof the following new clause:

"(25) provide satisfactory assurances that the State has an acceptable plan for part C of title VI.". *Post*, p. 1834.

SEC. 203. INDIVIDUALIZED REHABILITATION PROGRAM.

(a) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102(b) of the Act is amended to read as follows: 29 USC 722.

"(b)(1) Each individualized written rehabilitation program shall—

"(A) be developed on the basis of a determination of employability designed to achieve the vocational objective of the individual;

"(B) include a statement of the long-range rehabilitation goals based on an assessment determined through an evaluation of rehabilitation potential for the individual;

"(C) include a statement of the intermediate rehabilitation objectives related to the attainment of such goals based on an assessment determined through an evaluation of rehabilitation potential;

"(D) where appropriate, include a statement of the specific rehabilitation engineering services to be provided to assist in the implementation of intermediate objectives and long-range rehabilitation goals for the individual;

"(E) include an assessment of the expected need for post-employment services;

"(F) include a statement of the specific vocational rehabilitation services to be provided and the projected dates for the initiation and the anticipated duration of each such service;

"(G) include objective criteria and an evaluation procedure and schedule for determining whether such goals and objectives are being achieved;

"(H) provide for a reassessment of the need for post-employment services prior to case closure and, where appropriate, for severely handicapped individuals, the development of a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers; and

100 STAT. 1816

"(I) provide a description of the availability of a client assistance project established in such area pursuant to section 112. 29 USC 732.

"(2) Each individualized written rehabilitation program shall be reviewed annually at which time such individual (or in appropriate cases, the parents or guardian of the individual) will be afforded an opportunity to review such program and jointly redevelop and agree to its terms. Each individualized written rehabilitation program shall be revised as needed.".

29 USC 722.

(b) Review of Determinations.—Section 102(d) of the Act is amended to read as follows:

State and local governments.

"(d)(1) Except as provided in paragraph (4), the Director of any designated State unit shall establish procedures for the review of determinations made by the rehabilitation counselor or coordinator under this section, upon the request of an individual with handicaps (or, in appropriate cases, such individual's parents or guardian).

"(2) Such review procedures shall provide an opportunity to such individuals for the submission of additional evidence and information to an impartial hearing officer who shall make a decision based on the provisions of the State plan approved under section 101(a).

Ante, p. 1814.

"(3)(A) Within 20 days of the mailing of the decision to the individual with handicaps (or, in appropriate cases, such individual's parents or guardian), the Director shall notify such individuals of the intent to review such decision in whole or in part.

"(B) If the Director decides to review the decision, such individuals shall be provided an opportunity for the submission of additional evidence and information relevant to a final decision.

Reports.

"(C) A final decision shall be made in writing by the Director and shall include a full report of the findings and the grounds for such decision. When a final decision is made, a copy of such decision shall be provided to such individuals.

"(D) Except as provided in paragraph (4), the Director may not delegate responsibility to make any such final decision to any other officer or employee of the designated State unit.

State and local governments.

"(4)(A) A fair hearing board, established by a State before January 1, 1985, and authorized under State law to review determinations under this Act, is authorized to carry out the responsibilities of the Director under this subsection.

"(B) The provisions of paragraphs (1) through (3) of this subsection shall not apply to any State to which subparagraph (A) of this paragraph applies.".

Reports.

"(5)(A) The Director shall collect data described in subparagraph (B) and prepare and submit to the Commissioner a report containing such data. For the report submitted on or before February 1, 1988, the Commissioner shall prepare a summary of the information furnished under this paragraph and include the summary in the annual report submitted under section 13.

Ante, p. 1812.

"(B) The data required to be collected under this paragraph shall include—

"(1) a description of State procedures for review;

"(2) the number of appeals to the independent hearing officer and the State Director, including the type of complaint and the issues involved;

100 STAT. 1817

"(3) the number of decisions by the State Director reversing in whole or in part the decision of the impartial hearing officer; and

"(4) the number of decisions affirming the position of the individual with handicaps assisted through the client assistance program.".

SEC. 204. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

29 USC 723.

(a) Rehabilitation Technology.—Section 103(a)(1) of the Act is amended by inserting "evaluation by personnel skilled in rehabilitation engineering technology," after "appropriate,".

(b) Postemployment Services.—Section 103(a)(2) of the Act is amended by striking out "other postemployment services necessary to assist such individuals to maintain their employment and" and insert in lieu thereof "specific postemployment services necessary to assist such individuals maintain or regain employment, and other".

(c) Rehabilitation Engineering Services.—Section 103(a) of the Act is amended—

(1) by striking out "and" at the end of clause (10);

(2) by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause: "(12) rehabilitation engineering services.".

SEC. 205. NON-FEDERAL SHARE FOR CONSTRUCTION.

29 USC 724.

Section 104 of the Act is amended by striking out "title," and inserting in lieu thereof "title (or to an Indian tribe under part D of this title),".

SEC. 206. STATE ALLOTMENTS.

29 USC 730.

(a) Additional Payments.—Section 110(b)(2) of the Act is amended—

(1) by striking out ", as a result of the maintenance of effort provisions of such section,"; and

(2) by inserting "for fiscal year 1972" after "of such State".

(b) Reallotment.—Section 110(c) of the Act is amended to read as follows:

"(c)(1) Not later than forty-five days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title. 29 USC 731.

"(2) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall make such amount available for carrying out the purposes of this title to one or more other States to the extent the Commissioner determines that such other State will be able to use such additional amount during that fiscal year or to pay for initial expenditures during the subsequent fiscal year for carrying out such purposes.

"(3) For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.".

100 STAT. 1818

SEC. 207. FUNDS FOR AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES.

29 USC 730.

Section 110 of the Act is amended—

(1) in subsection (a)(1) by striking out "For" and inserting in lieu thereof "Subject to the provisions of subsection (d), for"; and

(2) by inserting after subsection (c) the following subsection:

"(d)(1) For fiscal year 1987 and for each subsequent fiscal year, the Commissioner shall reserve from the amount appropriated under section 100(b)(1) for allotment under this section a sum, determined under paragraph (2), to carry out the purposes of part D of this title. *Ante*, p. 1813.

"(2) For any fiscal year the sum shall be not less than ¼ of one percent and not more than one percent of the amount under paragraph (1), as determined by the Secretary.".

SEC. 208. PAYMENTS TO STATES; MAINTENANCE OF EFFORT.

29 USC 731.

Section 111(a) of the Act is amended to read as follows:

"Sec. 111. (a)(1) Except as provided in paragraph (2), from each State's allotment under this part for any fiscal year (including any additional payment to it under section 110(b)), the Commissioner shall pay to a State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for that State approved under section 101, including expenditures for the administration of the State plan. *Ante*, p. 1814.

"(2)(A) The total of payments under paragraph (1) to a State for a fiscal year may not exceed its allotment under subsection (a) (and any additional payment under subsection (b)), of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by section 101(a)(17).

"(B) The amount otherwise payable to a State for a fiscal year under this section shall be reduced by any amount by which expenditures from non-Federal sources under the State plan during such year under this title are less than the average of the total of such expenditures for the three preceding fiscal years.

"(C) The Commissioner may waive or modify any requirement or limitation under paragraphs (A) and (B) if the Commissioner determines that a waiver or modification is an equitable response to exceptional or uncontrollable circumstances affecting the State.".

SEC. 209. CLIENT ASSISTANCE PROGRAM.

29 USC 732.

(a) Information on Available Services.—Section 112(a) of the Act is amended by adding at the end thereof the following new sentence: "The client assistance program may provide information on the available services under this Act to any handicapped individuals in the State.".

(b) Redesignation of Client Assistance Agency.—

(1) The last sentence of section 112(c)(1) of the Act is amended by inserting after "may" a comma and the following: "in the initial designation,".

(2) Section 112(c)(1) of the Act is amended—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end thereof the following new paragraph:

"(B) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and only after notice and an opportunity for public comment has been given of the intention to make such redesignation.".

(c) Payment of Allotment.—Section 112(e)(3) of the Act is amended to read as follows:

29 USC 732.

"(3) Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay to the agency designated under subsection (c) the amount specified in the application approved under subsection (f).".

(d) Allotment.—Paragraph (1) of section 112(e) of the Act is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) In any fiscal year that the funds appropriated for such fiscal year exceed $7,500,000, the minimum allotment shall be $75,000 for States and $45,000 for territories.

"(ii) Subject to subsection (c), the Commissioner may increase the minimum allotment under subparagraph (A) for any fiscal year for which funds appropriated under this section for such fiscal year exceed the sums appropriated under this section for the preceding fiscal year by more than the percentage increase in the Consumer Price Index published monthly by the Bureau of Labor Statistics.".

(e) Employee Provision.—Paragraph (1) of section 112(g) of the Act is amended by striking out ", or receive benefits of any kind directly or indirectly from".

(f) Authorization of Appropriations.—Section 112(i) of the Act is amended to read as follows:

"(i) There are authorized to be appropriated $7,100,000 for fiscal year 1987, $7,550,000 for fiscal year 1988, $8,000,000 for fiscal year 1989, $8,450,000 for fiscal year 1990, and $8,796,000 for fiscal year 1991 to carry out the provisions of this section.".

SEC. 210. PAYMENTS TO STATES.

29 USC 741.

Section 121(b) of the Act is amended in the first sentence by striking out "the fiscal year ending September 30, 1986." and inserting in lieu thereof "fiscal year 1991.".

29 USC 750.

SEC. 211. AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES GRANTS.

(a) GRANTS.—Section 130(a) of the Act is amended to read as follows:

State and local governments.

"SEC. 130. (a) The Commissioner, in accordance with the provisions of this part may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for handicapped American Indians residing on such reservations. The non-Federal share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive such non-Federal share requirement in order to carry out the purposes of this Act.".

(b) APPLICATION.—Section 130(b) of the Act is amended—

(1) in paragraph (1)(B) by inserting immediately before the semicolon "and that, where appropriate, may include services traditionally used by Indian tribes";

(2) in paragraph (3) after "months" by inserting "or more than 36 months,"; and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) In making grants under this part, the Secretary shall give priority consideration to applications for the continuation of programs which have been funded under this part.

"(5) Nothing in this section may be construed to authorize a separate service delivery system for Indian residents of a State who reside in non-reservation areas.".

29 USC 750.

(c) ALLOTMENT.—Section 130 of the Act is amended by striking out all of subsection (c) and by redesignating subsection (d) as subsection (c).

SEC. 212. STUDY OF NEEDS OF AMERICAN INDIANS WITH HANDICAPS.

(a) STUDY OF NEEDS OF AMERICAN INDIANS WITH HANDICAPS.—Part D of title I of the Act is amended by inserting at the end thereof the following new section:

"STUDY OF NEEDS OF AMERICAN INDIANS WITH HANDICAPS

29 USC 752.

"SEC. 132. The Secretary shall conduct a study on the special problems and needs of Indians with handicaps both on and off the reservation, in consultation with the Director of the Office of Special Education and Rehabilitative Services, the Director of the National Institute on Disability and Rehabilitation Research, the Assistant Secretary of the Interior for Indian Affairs, the Director of Indian Health Services, representatives of affected Indian tribes and tribal groups, and other appropriate officials, organizations, and individuals. The study shall also evaluate the nature and extent of cooperative efforts among programs conducted under this Act. Not later than 12 months after the date of enactment of the Rehabilitation Act Amendments of 1986, the Secretary shall submit the results of such study, together with such recommendations as are appropriate, to the President and to the appropriate committees of the Congress.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after the item relating to section 131 the following:

"Sec. 132. Study of needs of handicapped American Indians."

TITLE III—RESEARCH AND TRAINING

29 USC 761.

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Act is amended to read as follows:

"SEC. 201. (a) There are authorized to be appropriated—

"(1) for the purpose of providing for the expenses of the National Institute on Disability and Rehabilitation Research under section 202, other than expenses to carry out section 204, such sums as may be necessary for fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1991; and

Infra; post, p. 1822.

"(2) $49,000,000 for fiscal year 1987, $52,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, $58,000,000 for fiscal year 1990, and $60,378,500 for fiscal year 1991 for the purpose of carrying out section 204, of which $1,000,000 shall be available for fiscal year 1987, $1,050,000 for fiscal year 1988, $1,102,500 for fiscal year 1989, $1,160,000 for fiscal year 1990, and $1,208,000 for fiscal year 1991 for the purpose of carrying out the last sentence of section 204(b)(2)(C).".

SEC. 302. REDESIGNATION OF NATIONAL INSTITUTE.

29 USC 761a.

(a) Redesignation.—Section 202 of the Act is amended by redesignating the "National Institute of Handicapped Research" as the "National Institute on Disability and Rehabilitation Research".

100 STAT. 1821

29 USC 761a note.

(b) References.—The Act is amended by striking out "National Institute of Handicapped Research" each place it appears in the Act (including the table of contents) and inserting in lieu thereof "National Institute on Disability and Rehabilitation Research". Any reference in any other provision of law to the "National Institute of Handicapped Research" shall be considered to be a reference to the "National Institute on Disability and Rehabilitation Research".

SEC. 303. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

29 USC 761a.

(a) American Indian Services.—Section 202(b) of the Act is amended—

(1) in paragraph (2) by inserting "tribal," after "State,"; and

(2) in paragraph (8) by inserting "the Bureau of Indian Affairs, the Indian Health Service," after "Administration,".

(b) Pacific Basin Rehabilitation Center.—Section 202(j)(2) of the Act is amended—

(1) by inserting immediately before the period the following: "in order to improve services to individuals with handicaps through relevant rehabilitation research and training in the Pacific Basin and to assist in the coordination of rehabilitation services provided by a broad range of agencies and entities; and

(2) by adding at the end thereof the following: "Such Center shall (A) develop a sound demographic base, (B) analyze, develop, and utilize appropriate technology, (C) develop a culturally relevant rehabilitation manpower development program, and (D) facilitate interagency communication and cooperation, implementing advanced information technology.".

(c) Rural Rehabilitation Center.—Section 202(j) of the Act is amended by inserting at the end thereof the following new paragraph:

Contracts.
Grants.

"(3) The Director shall establish, directly or by grant or contract, a center associated with an institution of higher education, for research and training concerning the delivery of rehabilitation services to rural areas.".

(d) Grants for Training.—Section 202 of the Act is amended by inserting after subsection (j) the following subsection:

"(k) The Director shall make grants to institutions of higher education for the training of researchers in the field of rehabilitation of individuals with handicaps.".

(e) Report to Congress.—Section 202 of the Act is amended by inserting after subsection (k) the following new subsection:

"(l) The Director shall submit to the Congress, not later than one year after the date of the enactment of the Rehabilitation Act Amendments of 1986, policy recommendations for the establishment by the Congress of an agency designed to ensure (1) the development and cost-effective production and marketing of technological devices; and (2) the efficient distribution of such technology to individuals with handicaps. Such recommendations shall specifically evaluate the feasibility of the chartering by Congress of a private organization or the establishment of a joint public-private corporation to provide marketing and production-related services to the public and private sectors. The policy recommendation shall include suggested funding alternatives for an organization or agency and such other suggestions as the Director or the Committee on Handicapped Research may consider appropriate. Further such recommendations shall consider any potential conflicts of interest in the evaluation and marketing of new products for use by individuals with handicaps. In developing such policy recommendations, the Director shall solicit the views of the Interagency Committee on Handicapped Research and shall submit any dissenting views offered by any member of that Committee together with the submission of policy recommendations.".

29 USC 761a.

Reports.

(f) Study of Health Insurance Practices.—Section 202 of the Act is amended by inserting after subsection (l) the following subsection:

"(m) The Director shall conduct a study of health insurance practices and policies which affect individuals with handicaps. Not later than February 1, 1990, the Director shall submit a report of the study to the appropriate committees of the Congress.".

29 USC 761b.

SEC. 304. COMPOSITION OF INTERAGENCY COMMITTEE.

Section 203(a)(1) of the Act is amended—

(1) by inserting "the Director of the National Institute of Mental Health," after "Institutes of Health,"; and

(2) by inserting "the Assistant Secretary of the Interior for Indian Affairs, the Director of the Indian Health Service," after "Transportation,".

29 USC 762.

Indians.

SEC. 305. RESEARCH.

(a) Research Activities.—Section 204(a) of the Act is amended in the first sentence by inserting "Indian tribes, and tribal organizations," after "education,".

(b) General Authority.—Section 204(a) of the Act is amended in the second sentence—

(1) by inserting "recreational," after "vocational, social,"; and

(2) by inserting "studies, analyses, and other activities related to supported employment;" after "special needs of handicapped individuals;".

(c) Specialized Research Activities.—(1) Section 204(b) of the Act is amended—

(A) in the second sentence of paragraph (1) by striking out "Center," and inserting in lieu thereof "Center (and as appropriate shall include consideration of rural issues),";

(B) by adding at the end of paragraph (1) the following: "The peer review of all applications for the renewal of a Rehabilitation Research and Training Center grant shall take into account the past performance of the applicant in carrying out the grant. The host institution with which the Rehabilitation Research and Training Center is affiliated may not collect in excess of 15 percent in indirect cost charges. Beginning with fiscal year 1991, awards under clause (C) of this paragraph shall be made on a competitive basis.".

(2) Section 204(b)(2) of the Act is amended—

(A) by inserting "and disseminate" after "develop" in clause (A);

Rural areas.
Urban areas.
Handicapped persons.

(B) by striking out "and to (B)" and inserting in lieu thereof "(B) demonstrate and disseminate innovative models for the delivery to rural and urban areas of cost-effective rehabilitation engineering services that promote utilization of engineering and other scientific research to assist in meeting the employment and independent living needs of individuals with severe handicaps, to (C)"; and

100 STAT. 1823

(C) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and to (D) demonstrate and disseminate innovative models for the delivery of cost-effective rehabilitation engineering services to assist in meeting the needs of, and addressing the barriers confronted by, individuals with handicaps. In fiscal year 1987, at least two such Rehabilitation Engineering Centers shall be established. One grant to provide demonstrations pursuant to clause (D) of this paragraph shall be made to an agency or organization in the State of South Carolina and one such grant shall be made to an agency or organization in the State of Connecticut.".

Grants.
South Carolina.
Connecticut.

(3) Section 204(b)(3) of the Act is amended by inserting at the end thereof: "In the award of grants under this paragraph the Director shall take into account the location of any proposed Center and the appropriate geographic and regional allocation of such Centers.".

29 USC 762.

(4) Section 204(b)(7) of the Act is amended by inserting "the National Institute of Mental Health," after "Institutes of Health,".

(5) Section 204(b)(8) of the Act is amended by inserting before the period ", except that research concerning handicapped Indian Americans shall include those 55 and older".

Indians.

(6) Section 204(b)(11) of the Act is amended by striking out all that follows "(B)" and inserting in lieu thereof "such physical therapy, language development, pediatric, nursing, psychological, and psychiatric services as are necessary for such children; and (C) appropriate services for the parents of such children, including psychological and psychiatric services, parent counseling, and training.".

(c) Additional Research Activities.—Section 204(b) of the Act is amended by adding at the end thereof the following new paragraphs:

"(14) Conduct of studies of the rehabilitation needs of American Indian populations and of effective mechanisms for the delivery of rehabilitation services to Indians residing on and off reservations.".

Indians.

"(15) Conduct of a demonstration program under which one or more projects national in scope shall be established to develop procedures to provide incentives for the development, manufacturing, and marketing of orphan technological devices designed to enable individuals with handicaps to achieve independence and access to gainful employment.".

(d) Special Rule.—Section 204 of the Act is amended by adding at the end thereof the following new subsection:

"(d)(1) In carrying out evaluations of research demonstration and related projects under this section, the Director is authorized to make arrangements for site visits to obtain information on the accomplishments of the projects.

"(2) The Director shall not make a grant under this section which exceeds $299,999 unless the peer review of the grant application has included a site visit.".

TITLE IV—SUPPLEMENTARY SERVICES AND FACILITIES

SEC. 401. GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES.

29 USC 771.

100 STAT. 1824

Section 301(a) of the Act is amended—

(1) in the first sentence by striking out "fiscal year ending before October 1, 1986." and inserting in lieu thereof "of the fiscal years 1987, 1988, 1989, 1990, and 1991."; and

(2) in the second sentence by striking out "October 1, 1987." and inserting in lieu thereof "October 1, 1992.".

SEC. 402. VOCATIONAL TRAINING SERVICES FOR INDIVIDUALS WITH HANDICAPS.

29 USC 772.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 302(a) of the Act is amended by striking out "fiscal year ending before October 1, 1986." and inserting in lieu thereof "of the fiscal years 1987, 1988, 1989, 1990, and 1991.".

(b) INCLUSION OF SUPPORTED EMPLOYMENT.—Section 302(b)(3)(A) of the Act is amended by inserting before the semicolon ", including supported employment".

SEC. 403. TRAINING.

29 USC 774.

(a) TRAINING OF QUALIFIED PERSONNEL.—Section 304(a) of the Act is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1)—"(2) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with severe handicaps,"; and

Grants.
Contracts.

(2) by inserting after the first sentence—"Recipients of grants or contracts under this section shall give due regard to the training of individuals with handicaps as part of the effort to increase the number of qualified personnel available to provide rehabilitation services.".

(b) TARGETING.—The first sentence of section 304(b) of the Act is amended—

(1) by inserting before "rehabilitation medicine" the following: "rehabilitation engineering,";

(2) by inserting "rehabilitation dentistry," after "rehabilitation psychology,";

(3) by inserting "physical education, therapeutic recreation," after "speech pathology and audiology,"; and

(4) by inserting "specialized personnel in providing employment training for supported employment, other specialized personnel for those individuals who meet the definition of severely handicapped," after "job placement services for handicapped individuals,".

(c) LENGTH OF GRANT.—Section 304(b) of the Act is amended—

(1) by designating the first sentence as paragraph (1); and

(2) by striking out the last sentence and inserting in lieu thereof the following:

"(2)(A) Except as provided in subparagraph (B), no grant under this section may be used to provide any one course of study to an individual for a period of more than 4 years.

"(B) If the grant recipient determines that an individual has a handicap which seriously affects the completion of training under this section, the grant recipient may modify the limitation under subparagraph (A).".

100 STAT. 1825

29 USC 774.

(d) SCHOLARSHIP REQUIREMENTS.—Section 304(b) of the Act is amended by inserting at the end thereof the following new paragraph:

Grants.
Contracts.

"(3)(A) A recipient of a grant of contract under this section shall provide assurances that each individual who receives a scholarship from funds provided under such grant or contract shall enter into an agreement with the recipient under which the individual shall—

State and local governments.

"(i) within the ten-year period after completing the training for which the scholarship was awarded, maintain employment in a nonprofit rehabilitation or related agency, or in a State rehabilitation agency, on a full-time basis for a period of not less than two years for each year for which assistance was received; and "(ii) repay all or part of any scholarship received, plus interest, if the individual does not fulfill the requirements of clause (i),

except as the Commissioner by regulation may provide for repayment exceptions and deferrals.

"(B) The Commissioner shall be responsible for the enforcement of each agreement entered into under subparagraph (A) upon completion of training under such subparagraph.".

(e) Technical Assistance.—Section 304 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

State and local governments.

"(e)(1) The Commissioner is authorized to provide technical assistance to State rehabilitation agencies and rehabilitation facilities, directly or through contracts with State vocational rehabilitation agencies or nonprofit organizations.

"(2) An expert or consultant appointed or serving under contract pursuant to this section shall be compensated at a rate subject to approval of the Commissioner which shall not exceed the daily rate payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code. Such an expert or consultant may be allowed travel and transportation expenses in accordance with section 5703 of title 5, United States Code.".

(f) Authorization of Appropriations.—Section 304(e) of the Act is amended by striking out "$22,000,000 for the fiscal year 1984, $27,000,000 for the fiscal year 1985, and $31,000,000 for the fiscal year 1986" and inserting in lieu thereof "$31,000,000 for the fiscal year 1987, $33,000,000 for the fiscal year 1988, $35,000,000 for the fiscal year 1989, $37,000,000 for the fiscal year 1990, and $38,517,000 for fiscal year 1991.".

SEC. 404. COMPREHENSIVE REHABILITATION CENTERS.

29 USC 775.

Section 305(g) of the Act is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991.".

SEC. 405. SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES; REAUTHORIZATION.

29 USC 777.

Section 310(a) of the Act is amended—

(1) by striking out "section 316" and inserting in lieu thereof "sections 311(d), 311(e), and 316"; and

Post, pp. 1826, 1827.

(2) by striking out "$12,900,000 for the fiscal year 1984, $13,600,000 for the fiscal year 1985, and $14,300,000 for the fiscal year 1986" and inserting in lieu thereof the following: "$15,860,000 for fiscal year 1987, $16,790,000 for fiscal year 1988, $17,800,000 for fiscal year 1989, $18,900,000 for fiscal year 1990, and $19,675,000 for fiscal year 1991".

100 STAT. 1826

SEC. 406. SPECIAL DEMONSTRATION PROGRAMS.

29 USC 777a.

(a) Needs of Isolated Populations of Individuals with Handicaps.—Section 311(a) of the Act is amended—

(1) in paragraph (2) by striking out "and" after the semicolon;

(2) in paragraph (3) by striking out the period and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

Indians.

"(4) operating programs to meet the special needs of isolated populations of individuals with handicaps, particularly among American Indians residing on or outside of reservations.".

(b) Special Demonstration Programs for Supported Employment and Transitional Employment Services for Severely Handicapped Youth.—Section 311 of the Act is amended by inserting at the end thereof the following new subsections:

Grants.
State and local governments.

"(d)(1)(A) The Commissioner may make grants to public and nonprofit rehabilitation facilities, designated State units, and other public and private agencies and organizations for the cost of developing special projects and demonstrations providing supported employment.

"(B) Not less than one such grant shall be nationwide in scope. The grant shall (i) identify community-based models that can be replicated, (ii) identify impediments to the development of supported employment programs (including funding and cost considerations), and (iii) develop a mechanism to explore the use of existing community-based rehabilitation facilities as well as other community-based programs.

"(2)(A) The Commissioner may make grants to public agencies and nonprofit private organizations for the cost of providing technical assistance to States in implementing part C of title VI of this Act.

Post, p. 1834.

"(B) Not less than one such grant shall be nationwide in scope. Each eligible applicant must have experience in training and provision of supported employment services.

Reports.

"(3)(A) On June 1, 1988, and on each subsequent June 1, the Commissioner shall submit a report to the Congress on activities assisted under paragraph (1) for the preceding fiscal year which includes—

"(i) a list of the grants awarded under this subsection;

"(ii) the number of individuals with severe handicaps served by each grant recipient, the average cost to provide support services to each such individual, and the average wage paid to each such individual; and

"(iii) the recommendations of the projects under paragraph (1)(B).

"(B) Each such report shall also include activities assisted under paragraph (2) for the preceding fiscal year, including (i) a list of the grants awarded under paragraph (2), (ii) the nature of technical assistance activities undertaken, and (iii) recommended areas where additional technical assistance is necessary.

"(4) There are authorized to be appropriated to carry out the provisions of this subsection $9,000,000 for the fiscal year 1987; 100 STAT. 1827 $9,520,000 for the fiscal year 1988, $10,000,000 for the fiscal year 1989, $10,690,000 for the fiscal year 1990, and $11,128,000 for the fiscal year 1991.

29 USC 776.
Grants.
State and local governments.
Handicapped persons.

"(e)(1) The Commissioner, subject to the provisions of section 306, shall make grants in accordance with the provisions of this subsection for the purpose of developing, expanding, and disseminating model statewide transitional planning services for severely handicapped youth. In order to facilitate similar model transitional programs, each grantee under this subsection shall—

"(A) collect data documenting the effectiveness of the project, including data on the outcome of the individuals served; and

"(B) disseminate the information to other States.

"(2) No grant may be made under this subsection unless an application is submitted to the Commissioner at such time, in such form, and in accordance with such procedures as the Commissioner may require.

Urban areas.

"(3)(A) One grant under this subsection shall be made to a public agency in a predominantly urban State in New England for an existing model statewide transitional planning services program.

"(B) The application for the grant specified in subparagraph (A) shall—

"(i) provide assurances that a single office or agency of the State has responsibility for managing the referral process assigned under the model program for which assistance is sought;

"(ii) provide assurances that the schools involved, in consultation with families, initiate a referral at least two years prior to the anticipated date on which each such student will finish courses of study at the school;

"(iii) provide assurances that individualized transition plans will be developed by the schools and adult providers working cooperatively;

"(iv) provide assurances that case management responsibilities, together with appropriate tracking of each case designed to report on the progress of the handicapped individual, will be part of the responsibility of the office or agency designed under clause (i); and

"(v) contain such other assurances as the Commissioner may reasonably require.

Rural areas.

"(4)(A)(i) A second grant authorized by this subsection shall be made to a public agency in a predominantly rural western State.

"(ii) A third grant authorized by this subsection shall be made to a public agency or nonprofit private organization in a predominantly rural southwestern State.

"(B) Each application for a grant submitted pursuant to subparagraph (A) of this paragraph shall describe model transitional planning services for both severely and mildly handicapped youth designed to develop procedures, strategies, and techniques which may be replicated successfully in other rural States.

"(5) There are authorized to be appropriated $450,000 for fiscal year 1987, $475,830 for fiscal year 1988, $504,427 for fiscal year 1989, $535,550 for fiscal year 1990, and $557,000 for fiscal year 1991 to carry out the provisions of this subsection.".

SEC. 407. SPECIAL RECREATIONAL PROGRAMS.

Grants.
29 USC 777f.

Section 316 of the Act is amended to read as follows:

State and local governments.
29 USC 776.

100 STAT. 1828

"SEC. 316. (a)(1) The Commissioner, subject to the provisions of section 306, shall make grants to States, public agencies, and nonprofit private organizations for paying part or all of the cost of initiation of recreation programs to provide handicapped individuals with recreational activities and related experiences to aid in the mobility, socialization, independence, and community integration of such individuals. The programs authorized to be assisted under this section may include, but are not limited to, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, music, dancing, handicrafts, art, and homemaking. Whenever possible and appropriate, such programs and activities should be provided in settings with nonhandicapped peers. Programs and activities under this section shall be designed to demonstrate ways in which such programs assist in maximizing the independence and integration of individuals with handicaps.

"(2) Each such grant shall be made for a minimum of a three-year period.

"(3) No grant may be made under this section unless the agreement with respect to such grant contains provisions to assure that, to the extent possible, existing resources will be used to carry out the activities for which the grant is to be made, and that with respect to children the activities for which the grant is to be made will be conducted before or after school.

"(b) There are authorized to be appropriated $2,330,000 for fiscal year 1987, $2,470,000 for fiscal year 1988, $2,620,000 for fiscal year 1989, $2,780,000 for fiscal year 1990, and $2,894,000 for fiscal year 1991 to carry out this section.".

TITLE V—NATIONAL COUNCIL ON THE HANDICAPPED

SEC. 501. PURPOSE OF THE COUNCIL.

29 USC 780.

Section 400(a) of the Act is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) The purpose of the National Council is to promote the full integration, independence, and productivity of handicapped individuals in the community, schools, the workplace and all other aspects of American life.".

SEC. 502. DUTIES OF NATIONAL COUNCIL.

29 USC 781. (a) DUTIES.—

(1) Section 401(a)(4) of the Act is amended to read as follows:

"(4) review and evaluate on a continuing basis—

"(A) all policies, programs, and activities concerning handicapped individuals and persons with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act; and

"(B) all statutes pertaining to Federal programs which assisted such handicapped individuals and persons with disabilities;

in order to assess the effectiveness of such policies, programs, activities, and statutes in meeting the needs of handicapped individuals and persons with disabilities;".

100 STAT. 1829 (2) Section 401(a) of the Act is amended—

(A) by redesignating clauses (5), (6), and (7), as clauses (6), (7), and (8), respectively, and

(B) by inserting after clause (4) the following:

"(5) assess the extent to which such policies, programs, and activities provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;".

29 USC 781. (3) Section 401(a)(8) of the Act (as redesignated by paragraph (2)) is amended by inserting "legislative proposals" after "recommendations".

(b) ADDITIONAL DUTIES.—Section 401(b) of the Act is amended to read as follows:

Reports. "(b)(1) Not later than January 30, 1988, and annually thereafter, the National Council shall issue a report to the President and the Congress on the progress that has been made in implementing the recommendation contained in the Council's January 30, 1986, report Toward Independence.

"(2) The reports issued pursuant to paragraph (1) shall present, as appropriate, available data on health, housing, employment, insurance, transportation, recreation, and education, and shall include appropriate information on the current status and trends in the status of individuals with disabilities.".

29 USC 783. **SEC. 503. STAFF.**

Section 403(b) of the Act is amended by striking out paragraph (4).

29 USC 785. **SEC. 504. REAUTHORIZATION.**

Section 405 of the Act is amended by inserting before the period at the end thereof the following: "for each of the fiscal years 1987, 1988, 1989, 1990, and 1991".

TITLE VI—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

29 USC 792. **SEC. 601. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.**

(a) MEMBERSHIP AND QUORUM REQUIREMENTS.—Section 502(a) of the Act is amended—

(1) in paragraph (1)(B) by striking out "The President" and all that follows through the end of such paragraph and inserting in lieu thereof "The Chairperson and vice-chairperson of the Board shall be elected by majority vote of the members of the Board to serve for terms of one year. When the chairperson is a

member of the general public, the vice-chairperson shall be a Federal official; and when the chairperson is a Federal official, the vice-chairperson shall be a member of the general public. Upon the expiration of the term as chairperson of a member who is a Federal official, the subsequent chairperson shall be a member of the general public; and vice versa.";

(2) in paragraph (1)(A)—

(A) by striking out "Eleven" and inserting in lieu thereof "Twelve"; and

100 STAT. 1830

(B) by striking out "five" and inserting in lieu thereof "six";

(3) in paragraph (2) by striking out "and (ii)" and all that follows through the end of such paragraph and inserting in lieu thereof "(ii) a member whose term has expired may continue to serve until a successor has been appointed, and (iii) a member appointed to fill a vacancy shall serve for the remainder of the term to which that member's predecessor was appointed."; and

(4) by inserting after paragraph (5) the following paragraph:

"(6)(A) The Board shall establish such bylaws and other rules as may be appropriate to enable the Board to carry out its functions under this Act.

"(B) The bylaws shall include quorum requirements. The quorum requirements shall provide that (i) a proxy may not be counted for purposes of establishing a quorum, and (ii) not less than half the members required for a quorum shall be members of the general public appointed under paragraph (1)(A).".

(b) SPECIAL REPORTS.—Section 502(g) of the Act is amended by adding at the end thereof the following: "The Board shall prepare and submit two additional reports of its activities under subsection (c) of this section, one report on its activities in the field of transportation barriers of handicapped individuals and the other report on its activities in the field of the housing needs of handicapped individuals. The two additional reports required by the previous sentence shall be submitted not later than February 1, 1988.". 29 USC 792.

(c) AUTHORIZATIONS.—Section 502(i) of the Act is amended by striking out "fiscal year ending before October 1, 1986," and inserting in lieu thereof "of the fiscal years 1987, 1988, 1989, 1990, and 1991,".

SEC. 602. INTERAGENCY COORDINATING COUNCIL.

29 USC 794c.

The first sentence of section 507 of the Act is amended by inserting "the Assistant Secretary of the Interior for Indian Affairs," after "Labor,".

SEC. 603. ELECTRONIC EQUIPMENT ACCESSIBILITY.

(a) ELECTRONIC EQUIPMENT ACCESSIBILITY.—Title V of the Act is amended by inserting after section 507 the following new section:

"ELECTRONIC EQUIPMENT ACCESSIBILITY

"SEC. 508. (a)(1) The Secretary, through the National Institute on Disability and Rehabilitation Research and the Administrator of the General Services, in consultation with the electronics industry, shall develop and establish guidelines for electronic equipment accessibility designed to insure that handicapped individuals may use electronic office equipment with or without special peripherals. 29 USC 794d.

"(2) The guidelines established pursuant to paragraph (1) shall be applicable with respect to electronic equipment, whether purchased or leased.

"(3) The initial guidelines shall be established not later than October 1, 1987, and shall be periodically revised as technologies advance or change.

"(b) Beginning after September 30, 1988, the Administrator of General Services shall adopt guidelines for electronic equipment accessibility established under subsection (a) for Federal procure-

100 STAT. 1831 ment of electronic equipment. Each agency shall comply with the guidelines adopted under this subsection.

"(c) For the purpose of this section, the term 'special peripherals' means a special needs aid that provides access to electronic equipment that is otherwise inaccessible to a handicapped individual.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after item "Sec. 507." the following new item:

"Sec. 508. Electronic equipment accessibility.".

TITLE VII—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS

Indians.

SEC. 701. EQUITABLE DISTRIBUTION OF ASSISTANCE.

29 USC 795d.

(a) EQUITABLE DISTRIBUTION.—Section 615(a)(1) of the Act is amended in the second sentence by inserting before the period "and the needs of Indian tribes".

(b) APPORTIONMENT.—Section 615(c)(2) of the Act is amended by inserting before the period "(including individuals residing on Indian reservations)".

SEC. 702. REAUTHORIZATION OF PART A OF TITLE VI.

29 USC 795f.

Section 617 of the Act is amended by striking out "1984, 1985, and 1986." and inserting in lieu thereof "1987, 1988, 1989, 1990, and 1991."

29 USC 795g.

SEC. 703. PROJECTS WITH INDUSTRY.

(a) GENERAL PROVISIONS.—

(1) Section 621(a) of the Act is amended—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(B) by inserting after the subsection designation the following: "(1) The purpose of this title is to promote opportunities for competitive employment of individuals with handicaps, to provide appropriate placement resources, to engage the talent and leadership of private industry as partners in the rehabilitation process, to create practical settings for job readiness and training programs, and to secure the participation of private industry in identifying and providing job opportunities and the necessary skills and training to qualify people with handicaps for competitive employment.".

(2) Clauses (A), (B), and (C) of section 621(a)(2) of the Act (as redesignated by this subsection) are amended to read as follows:

"(A) shall create and expand job opportunities for individuals with handicaps by providing for the establishment of appropriate job placement services;

"(B) shall provide individuals with handicaps with training in a realistic work setting in order to prepare them for employment in the competitive market;

"(C) shall provide individuals with handicaps with such supportive services as may be required to permit them to continue to engage in the employment for which they have received training under this section; 100 STAT. 1832

"(D) shall, to the extent appropriate, expand job opportunities for individuals with handicaps by providing for (i) the development and modification of jobs to accommodate the special needs of such individuals, (ii) the distribution of special aids, appliances, or adapted equipment to such individuals, and (iii) the modification of any facilities or equipment of the employer which are to be used primarily by handicapped individuals; and

"(E) shall provide for business advisory councils comprised of representatives of private industry, business concerns, and organized labor who will identify job availability within the community and the skills necessary to fill jobs identified, and prescribe training and programs tailored to their need.".

(3) Paragraph (4) of section 621(a) of the Act (as redesignated by this section) is amended by striking out "each year of a funding cycle" and inserting in lieu thereof "each project year". 29 USC 795g.

(4) The amendment made by paragraph (2), adding clause (E) to section 621(a)(2) of the Act, shall take effect one year after the date of enactment of this Act. 29 USC 795g note.

(b) AGREEMENT.—Section 621(b) of the Act is amended—

(A) by striking out "and" at the end of paragraph (2);

(B) By striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (3) the following paragraph:

"(4) provides assurance that an evaluation report containing data specified under subsection (a)(4) shall be submitted as determined by the Commissioner."; and Reports.

(c) Section 621(e) of the Act is amended to read as follows:

"(e)(1) Subject to the availability of appropriations, an agreement for financial assistance under this section may be effective for a period not to exceed five years. Any subsequent agreement for financial assistance under this section may be effective for not more than five years. In making a determination concerning any subsequent agreement, the Commissioner shall consider performance under the previous agreement and evaluation reports submitted under subsection (b)(4).

"(2) The Commissioner shall annually review each evaluation report submitted under subsection (b)(4) and make a determination concerning the termination, modification, or renewal of each agreement for financial assistance under this section.".

(b) Section 621(b) of the Act is amended—

(1) by striking out "and" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after clause (3) the following new clause:

"(4) provides assurances that an evaluation report containing data specified under subsection (a)(4) shall be submitted to the Commissioner.".

(c) Section 621(d)(1) of the Act is amended by adding at the end thereof the following new sentence: "Such standards shall be revised as necessary, subject to paragraph (4) of this subsection.".

(d) TECHNICAL ASSISTANCE; INDICATORS FOR STANDARDS; CONTINUED FUNDING; APPLICATION APPROVAL.—(1) Subsection (f) of section 621 of the Act are amended to read as follows:

"(f)(1) By July 1, 1988, the Commissioner shall publish in the Federal Register in final form indicators of what constitutes minimum compliance consistent with the evaluation standards under subsection (d)(1). Federal Register, publication.

100 STAT. 1833

"(2) Each grantee shall report to the Commissioner at the end of each project year the extent to which the grantee is in compliance with the evaluation standards, beginning with fiscal year 1989.

"(3) By the end of fiscal year 1991, the Commissioner shall have conducted on-site compliance reviews of at least one-third of the grantees receiving funding under this part in fiscal year 1987. The Commissioner shall conduct on-site compliance reviews of at least 15 percent of grantees annually in subsequent years. Selection of grantees for compliance reviews shall be on a random basis. The Commissioner shall use the indicators of the evaluation standards in determining compliance. At least one member of an on-site compliance review shall be a non-Federal employee with experience or expertise in conducting Projects With Industry.

"(4) Beginning with the annual report to Congress for fiscal year 1990 and in subsequent years, the Commissioner shall include an analysis of the extent to which grantees have complied with the Reports.

evaluation standards. The Commissioner may identify individual grantees in the analysis. In addition, the Commissioner shall report the results of on-site compliance reviews, identifying individual grantees.

Grants.
Contracts.

"(g) The Commissioner may provide, directly or by way of grant or contract, technical assistance to (1) entities conducting Projects With Industry for the purpose of assisting such entities in the improvement of or in the development of relationships with private industry or labor, and (2) entities planning the development of new Projects With Industry.".

29 USC 795g.

(2) Section 621 is further amended by adding at the end thereof the following new subsections:

"(h)(1)(A) From sums appropriated for the purposes of this section for fiscal year 1990, an amount which is 80 percent of the amount appropriated for fiscal year 1989 shall be available only for grantees receiving assistance in fiscal year 1989.

Grants.

"(B) The Secretary shall ensure that grants are made under subparagraph (A) only to Projects With Industry recipients that meet the evaluation standards and shall make a determination concerning the termination, modification, or renewal of each grant on the basis of such evaluation.

"(2) To the extent funds are available under paragraph (1), the Secretary shall award grants to new Projects With Industry recipients located in unserved geographic areas. Grants to new recipients shall be awarded on a competitive basis.

"(3) For fiscal year 1991 and for any subsequent fiscal year, new grant awards shall be made on a competitive basis and shall include consideration of past performance, where appropriate.

"(4)(A) Each grant recipient receiving assistance under this section in fiscal year 1986 shall continue to receive assistance through September 30, 1987, unless the Commissioner determines that the grant recipient is not in compliance with the provisions of the approved application of the grant recipient.

"(B) Grant recipients continuing to receive assistance on the basis of the review described in subparagraph (A) of this paragraph shall be evaluated by the Commissioner using standards described in subsection (d) and (f) of this section. Each such grant recipient shall continue to receive assistance for 3 years unless the Commissioner determines that the grantee is not substantially in compliance with such standards and with the provisions of the approved application of the grant recipient.

100 STAT. 1834

"(i) In approving applications under this section, the Commissioner shall give priority to the geographic areas among the States which are currently not served or underserved by Projects With Industry.".

SEC. 704. PROJECTS WITH INDUSTRY REAUTHORIZATION.

Section 623 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

29 USC 795i.

"SEC. 623. There are authorized to be appropriated to carry out the provisions of section 621, $16,070,000 for fiscal year 1987, $17,010,000 for fiscal year 1988, $18,030,000 for fiscal year 1989, $19,149,000 for fiscal year 1990, and $19,925,000 for fiscal year 1991 and for section 622 such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990 and 1991.".

SEC. 704. SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SEVERE HANDICAPS.

(a) GENERAL AUTHORIZATION.—

(1) Title VI of the Act is amended by inserting after part B of such title the following new part:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SEVERE HANDICAPS

Grants.
State and local governments.
29 USC 795j.

"PURPOSE

"SEC. 631. It is the purpose of this part to authorize grants (supplementary to grants for vocational rehabilitation services under title I) to assist States in developing collaborative programs with appropriate public agencies and private nonprofit organizations for training and traditionally time-limited post-employment services leading to supported employment for individuals with severe handicaps.

"ELIGIBILITY

29 USC 795k.

"SEC. 632. Services may be provided under this part to any individual with severe handicaps whose ability or potential to engage in a training program and whose ability to engage in a supported employment setting has been determined by an evaluation of rehabilitation potential as defined in section 7 of this Act.

Ante, p. 1809.

"ALLOTMENTS

State and local governments.
29 USC 795*l*.

"SEC. 633. (a)(1) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $250,000 or one-third of 1 percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater.

"(2)(A) For the purposes of this subsection, the term 'States' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(B) The jurisdictions described in subparagraph (A) shall be allotted not less than one-eighth of 1 percent of the amounts made available for purposes of this subpart for each such clause for the fiscal year for which the allotment is made.

"(b) Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State to carry out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States which the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the State's allotment for such year.

Grants.

"(c)(1) In the first fiscal year in which appropriations are made pursuant to section 638 a State may, in lieu of receiving its allotment under this part, make an application for a planning grant for that fiscal year. The Secretary is authorized to approve the appropriation of States which meet the requirements of this subsection.

"(2)(A) The grant made under this subsection shall be used for planning activities designed to facilitate the State using its allotment under this part.

"(B) No grant under this subsection may exceed a period of 18 months.

"(3) No planning grant made under this subsection may exceed $250,000.

"STATE PLAN

Grants.
29 USC 795m.
Ante, p. 1808.

"SEC. 634. (a) In order to be eligible for grants under this part, a State shall submit to the Commissioner as part of the State plan under title I of this Act a State plan supplement for a three-year period for providing training and traditionally time-limited post-employment services leading to supported employment for individuals with severe handicaps. Each State shall make such annual revisions in the plan supplement as may be necessary.

"(b) Each such plan supplement shall—

"(1) designate each agency of such State designated under section 101(a)(2)(B) of this Act as the agency to administer the program assisted under this part;

Ante, p. 1814.

"(2)(A) specify results of the needs assessment conducted as required by title I of this Act of individuals with severe handicaps as such assessment identifies the need for supported employment services, including the coordination and use of the information within the State relating to section 618(b)(3) of the Education of the Handicapped Act; and

"(B) describe the quality, scope, and extent of supported employment services to be provided to individuals with severe handicaps under this part, and specify the State's goals and plans with respect to the distribution of funds received under section 635 of this part;

"(3) provide assurances that—

"(A) an evaluation for each individual describes training and traditionally time-limited post-employment services leading to supported employment;

"(B) an individualized written rehabilitation program as required by section 102 will be developed outlining the services to be provided;

Ante, p. 1808.

100 STAT. 1836

"(C) such services will be provided in accordance with such program or a program specified under subsection (b)(3)(D) of this part;

"(D) such services will be coordinated with the evaluation results, the individual written rehabilitation plan or education plan as required under section 102 of this Act, section 123 of the Developmental Disabilities Act of 1984, and sections 612(4) and 614(5) of the Education of the Handicapped Act, respectively;

Ante, p. 1815.
42 USC 6023.
20 USC 1412, 1414.

"(E) the State will conduct periodic reviews of the progress of individuals assisted under this part to determine whether services provided to such individuals should be continued, modified, or discontinued; and

"(F) the State will make maximum use of services from public agencies, private nonprofit organizations, and other appropriate resources in the community to carry out this part;

"(4) demonstrate evidence of collaboration by and funding from relevant State agencies and private nonprofit organizations to assist in the provision of supported employment services;

"(5) provide assurances that all designated State agencies will expend not more than 5 percent of the State's allotment under this part for administrative costs for carrying out this part; and

"(6) contain such other information and be submitted in such form and in accordance with such procedures as the Commissioner may require.

"SERVICES; AVAILABILITY AND COMPARABILITY

29 USC 795n.

"SEC. 635. (a)(1) Services available under this part may include but are not limited to an evaluation of rehabilitation potential, provision of skilled job trainers who accompany the worker for intensive on-the-job training, systematic training, job development, follow-up services (including regular contact with the employer, trainee, and the parent or guardian), and consistent with subsection (b) regular observation or supervision of the individual with severe handicaps at the training site and other services needed to support the individual in employment.

"(2) The evaluation of rehabilitation potential authorized by paragraph (1) of this subsection shall be supplementary to the evaluation of rehabilitation potential provided under title I of this Act.

Ante, p. 1808.

"(b) Services authorized under this part are limited to training and traditionally time-limited post-employment services leading to supported employment. Extended supported employment services shall be provided by the relevant State agencies and private organizations as specified under section 634(b)(4) of this part or any other available source.

"(c) Services provided under this part shall be complementary to services provided under title I of this Act.

"RESTRICTION

29 USC 795o.
Ante, p. 1812.

"Sec. 636. Each designated State agency shall collect the client information required by section 13 of this Act separately for supported employment clients under this part and for supported employment clients under title I.

100 STAT. 1837

"SAVINGS PROVISION

29 USC 795p.

"Sec. 637. Nothing in this Act shall be construed to prohibit a State from conducting or from carrying out training and traditionally time-limited post-employment services leading to supported employment in accordance with the State plan submitted under section 101 from its State allotment under section 110.

Ante, pp. 1814, 1817.

"AUTHORIZATION OF APPROPRIATIONS

29 USC 795q.

"Sec. 638. There are authorized to be appropriated to carry out this part $25,000,000 for the fiscal year 1987, $26,470,000 for the fiscal year 1988, $28,060,000 for the fiscal year 1989, $29,730,000 for the fiscal year 1990, $30,949,000 for the fiscal year 1991.".

(2) The table of contents of the Act is amended by inserting after item "Sec. 623." the following:

"Part C—Supported Employment Services for Severely Handicapped Individuals With Severe Handicaps

"Sec. 631. Purpose.
"Sec. 632. Eligibility.
"Sec. 633. Allotments.
"Sec. 634. State plan.
"Sec. 635. Services; availability and comparability.
"Sec. 636. Restriction.
"Sec. 637. Savings provision.
"Sec. 638. Authorization of appropriations.".

29 USC 795m note.

(b) Limitation.—

(1) The amendment adding section 634(a) (made by subsection (a) of this section) shall not apply in any fiscal year in which the appropriation for part C of title VI of the Rehabilitation Act of 1973 do not equal or exceed $5,000,000.

Ante, p. 1834.

(2) The provisions of paragraph (1) are repealed on September 30, 1990.

TITLE VIII—SERVICES FOR INDEPENDENT LIVING

SEC. 801. ELIGIBILITY FOR COMPREHENSIVE SERVICES.

29 USC 796a.

Section 702(b) of the Act is amended by striking out "recreational activities" and inserting in lieu thereof "recreational services".

SEC. 802. STATE PLAN ASSURANCE.

29 USC 796d.

Section 705(a) of the Act is amended—

(1) by redesignating clauses (5), (6), (7), (8), and (9) as clauses (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after clause (4) the following:

"(5) provide assurances that the State will consider recommendations of the State independent living council in determining how independent living services will be expanded or modified;".

SEC. 803. STATE INDEPENDENT LIVING COUNCIL.

100 STAT. 1838

(a) GENERAL AUTHORITY.—Part A of title VII of the Act is amended by adding at the end thereof the following new section:

"STATE INDEPENDENT LIVING COUNCIL

29 USC 796d-1.

"SEC. 706. (a) There shall be established in each State receiving assistance under this title a State Independent Living Council (hereafter in this section referred to as the 'Council'). The Council shall—

"(1) provide guidance for the development and expansion of independent living programs and concepts on a statewide basis;

"(2) provide guidance to State agencies and to local planning and administrative entities assisted under this title; and

"(3) prepare and submit to the State agency designated under section 705(a)(1) a five-year plan addressing the long-term goals and recommendations for the need for independent living services and programs within the State.

Handicapped persons.

"(b)(1) The Council shall be composed of representatives of the principal State agencies, local agencies, and nongovernmental agencies and groups concerned with services to handicapped individuals under this title; handicapped individuals and parents or guardians of handicapped individuals; directors of independent living centers; representatives from private business employing or interested in employing handicapped individuals; representatives of other appropriate organizations and other appropriate individuals.

"(2) A majority of the membership of the Council shall be handicapped individuals and parents or guardians of handicapped individuals.

"(3) The members of the Council shall be appointed by the director of the State agency designated under section 705(a)(1).

"(c) The chairperson of the Council shall be selected from among the membership and shall also serve as a member of any State advisory committee primarily concerned with the provision of rehabilitation services and any other appropriate State advisory committee concerned with services to handicapped individuals.

"(d) Any State in which there is a council which substantially meets the requirements of paragraphs (1) and (2) of subsection (b) and has the authority or will, promptly after the date of enactment of the Rehabilitation Act Amendments of 1986, have the authority to carry out the functions prescribed in subsection (a) shall be deemed to meet the requirements of this section.".

(b) CONFORMING AMENDMENT.—The table of contents of the Act is amended by inserting after item "Sec. 705." the following new item:

"Sec. 706. State independent living council.".

SEC. 804. GRANTS FOR CENTERS FOR INDEPENDENT LIVING.

(a) APPLICATION CONDITIONS.—

29 USC 796e.

(1) Section 711(b) of the Act is amended—

(A) by striking out "and" at the end of clause (1);

(B) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding at the end thereof the following new clause:

Handicapped persons.

"(3) contains assurances that each center will have a board which is composed of a majority of handicapped individuals.".

(2) The amendments made by paragraph (1) shall take effect one year after the date of enactment of this Act.

29 USC 796e note.

(b) APPLICATION CONTENTS.—Section 711(c)(2) of the Act is amended—

100 STAT. 1839

(1) by inserting after "housing" in clause (E) a comma and the following: "recreation";

(2) by inserting after "housing" in clause (F) a comma and the following: "recreational opportunities"; and

(3) by striking out "activities" in clause (K) and inserting in lieu thereof "services".

(c) TIMELINESS OF APPLICATION.—Section 711(d) of the Act is amended by striking out "six months" and inserting in lieu thereof "three months".

SEC. 805. EVALUATION AND REVIEW OF INDEPENDENT LIVING CENTERS.

29 USC 796e.

(a) REVISION OF STANDARDS.—Section 711(e)(1) of the Act is amended by adding at the end thereof the following new sentence: "Such standards shall be revised as necessary, subject to paragraph (4) of this subsection.".

Grants.

(b) INDICATORS FOR STANDARDS; CONTINUED FUNDING; APPROVAL OF APPLICATIONS.—Section 711 of the Act is amended by striking subsection (f) and by adding at the end thereof the following:

Federal Register, publication.

"(f)(1) By July 1, 1988, the Commissioner shall publish in the Federal Register in final form indicators of what constitutes minimum compliance consistent with the evaluation standards in subsection (e)(1).

"(2) Each grantee shall report to the Commissioner at the end of each project year the extent to which the grantee is in compliance with the evaluation standards, beginning with fiscal year 1989.

"(3) By the end of fiscal year 1991, the Commissioner shall have conducted on-site compliance reviews of at least one-third of the grantees receiving funding under this part in fiscal year 1987. The Commissioner shall conduct on-site compliance review of at least 15 percent of grantees annually in subsequent years. Selection of grantees for compliance reviews shall be on a random basis. The Commissioner shall use the indicators of the evaluation standards in determining compliance. At least one member of an on-site compliance review shall be a non-Federal employee with experience or expertise in the provision of independent living services.

Reports.

"(4) Beginning with the annual report to Congress for fiscal year 1990 and in subsequent years, the Commissioner shall include an analysis of the extent to which grantees have complied with the evaluation standards. The Commissioner may identify individual grantees in the analysis. In addition, the Commissioner shall report the results of on-site compliance reviews, identifying individual grantees.

"(g)(1)(A) From sums appropriated for the purposes of this section for fiscal year 1990, an amount which is 90 percent of the amount appropriated for fiscal year 1989 shall be available only for grantees receiving assistance in fiscal year 1989.

"(B) The Secretary shall ensure that grants are made under subparagraph (A) only to Centers that meet the evaluation standards and shall make a determination concerning the termination, modification, or renewal of each grant on the basis of such evaluation.

"(C) A grant under subparagraph (A) may not be less than 80 percent or more than 100 percent of the grant to the Center for fiscal year 1989. The Commissioner shall determine the amount of each grant on the basis of—

"(i) the capacity of the recipient to obtain local resources to pay the non-Federal share of the cost of the Center; and

"(ii) the economic conditions in the community to be served by the Center.

100 STAT. 1840

"(2) To the extent funds are available under paragraph (1), the Secretary shall award grants to new Centers located in unserved geographic areas. Grants to new Centers shall be awarded on a competitive basis.

"(3) For fiscal year 1991 and for any subsequent fiscal year, new grant awards shall be made on a competitive basis and shall include consideration of past performance, where appropriate.

"(4)(A) Each grant recipient receiving assistance under this section in fiscal year 1986 shall continue to receive assistance through September 30, 1987, unless the Commissioner determines that the grant recipient is not in compliance with the provisions of the approved application of the grant recipient.

"(B) Grant recipients continuing to receive assistance on the basis of the review described in subparagraph (A) of this paragraph shall be evaluated by the Commissioner using standards described in subsections (e) and (f) of this section. Each such grant recipient shall continue to receive assistance for 3 years unless the Commissioner determines that the grantee is not substantially in compliance with such standards and with the provisions of the approved application of the grant recipient.

State and local governments.

"(h) In approving applications under this section, the Commissioner shall give priority to geographic areas among the States which are currently not served or underserved by independent living centers.".

SEC. 806. REAUTHORIZATION FOR TITLE VII.

Section 741 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

29 USC 796d. *Ante*, p. 1838.

"SEC. 741. (a) There are authorized to be appropriated to carry out part A of this title $11,830,000 for fiscal year 1987, $12,310,000 for fiscal year 1988, $13,050,000 for fiscal year 1989, $13,860,000 for fiscal year 1990, and $14,428,000 for fiscal year 1991.

29 USC 796e.

"(b) There are authorized to be appropriated to carry out part B of this title $24,320,000 for fiscal year 1987, $25,750,000 for fiscal year 1988, $27,300,000 for fiscal year 1989, $28,980,000 for fiscal year 1990, and $30,168,000 for fiscal year 1991.

29 USC 796f.

"(c) There are authorized to be appropriated to carry out part C of this title $5,290,000 for fiscal year 1987, $5,600,000 for fiscal year 1988, $5,930,000 for fiscal year 1989, $6,300,000 for fiscal year 1990, and $6,558,000 for fiscal year 1991.

29 USC 796g.

"(d)(1) There are authorized to be appropriated to carry out part D of this title such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, and 1990.

"(2) The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this subsection.".

TITLE IX—AMENDMENTS TO OTHER LAWS

SEC. 901. REAUTHORIZATION OF HELEN KELLER NATIONAL CENTER ACT.

Section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904) is amended by striking out the first sentence and inserting in

100 STAT. 1841

lieu thereof "There are authorized to be appropriated to carry out the provisions of this title such sums as may be necessary for each of the fiscal years 1987 through 1990.".

SEC. 902. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

The joint resolution entitled "Joint resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (63 Stat. 409) is amended—

(1) by striking out "annually, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $1,000,000" and inserting in lieu thereof "for each of the fiscal years 1987, 1988, 1989, 1990, and 1991, such sums as may be necessary"; and

(2) by inserting at the end thereof "The President's Committee on Employment of the Handicapped shall be guided by the general policies of the National Council on the Handicapped.".

TITLE X—TECHNICAL AND CONFORMING AMENDMENTS TO THE ACT

SEC. 1001. USE OF GENDER NEUTRAL TERMINOLOGY IN ACT.

(a) AMENDMENTS TO THE GENERAL PROVISIONS.—

(1) Section 3(a) of the Act is amended— *Ante*, p. 1808.

(A) in the third sentence by striking out "his functions," and inserting in lieu thereof "the functions of the office,"; and 29 USC 702.

(B) in the sixth sentence by striking out "his functions" and inserting in lieu thereof "the functions of the office".

(2) Section 6(b) of the Act is amended— 29 USC 705.

(A) by striking out "he" after "satisfied," and inserting in lieu thereof "the Secretary"; and

(B) by striking out "he" after "or".

(3) Section 7(4) of the Act is amended by striking out "he" and inserting in lieu thereof "the Secretary". 29 USC 706.

(4) Section 12 of the Act is amended— *Ante*, p. 1811.

(A) in subsection (b) by striking out "his" and inserting in lieu thereof "the"; and

(B) in subsection (c) by striking out "he considers" and inserting in lieu thereof "are considered".

(5) Section 14(e) of the Act is amended— 29 USC 713.

(A) by striking "Secretary" and inserting "Commissioner"; and

(B) by striking out "to him, upon request" and inserting in lieu thereof "upon request of the Commissioner".

(b) AMENDMENTS TO TITLE I.—Title I of the Act is amended as follows: 29 USC 721.

(1) Section 101(a)(10) of the Act is amended—

(A) by striking out "his functions" and inserting in lieu thereof "the functions of the Commissioner"; and

(B) by striking out "he may find" and inserting in lieu thereof "are".

(2) Section 101(b) of the Act is amended—

100 STAT. 1842

(A) in the first sentence by striking out "he" and inserting in lieu thereof "the Commissioner" and by striking out "he"; and

(B) in the second sentence by striking out "his" and inserting in lieu thereof "the" and by striking out "he".

(3) Section 101(c)(1) of the Act is amended—

(A) in the first sentence by striking out "his discretion" and inserting in lieu thereof "the discretion of the Commissioner" and by striking out "he" and inserting in lieu thereof "the Commissioner"; and

(B) in the second sentence by striking out "he" and inserting in lieu thereof "the Commissioner".

(4) Section 101(d)(1) of the Act is amended by striking out "him" and inserting in lieu thereof "the Commissioner" and by striking out "he" and inserting in lieu thereof "the Commissioner".

(5) Section 102 of the Act is amended— 29 USC 722.

(A) by striking out "his parents" each place it appears in such section and inserting in lieu thereof "such individual's parents";

(B) by striking out "his parent" and inserting in lieu thereof "such individual's parent";

(C) in subsection (d)(1) by striking out "his" and inserting in lieu thereof "the"; and

(D) in subsection (d)(2) by striking out "his responsibilities" and inserting in lieu thereof "any responsibility of the Secretary".

(6) Section 111(b) of the Act is amended— 29 USC 731.

(A) in paragraph (1) by striking out "him," and inserting in lieu thereof "the Commissioner,"; and

(B) in the first sentence of paragraph (2)—

(i) by striking out "him" and inserting in lieu thereof "the Commissioner"; and

(ii) by striking out "he finds that his" and inserting in lieu thereof "the Commissioner finds that the".

29 USC 732. (7) Section 112(e)(2) of the Act is amended by striking out "from time to time on such dates he may fix" and inserting in lieu thereof "at appropriate times".

29 USC 740. (8) Section 120(b) of the Act is amended by striking out "he" both places it appears and inserting in lieu thereof "the Commissioner".

29 USC 761a. (c) AMENDMENTS TO TITLE II.—Section 202 of the Act is amended—

(1) in the second sentence of subsection (a) by striking out "his functions," and inserting in lieu thereof "the functions of the office,";

(2) in subsection (e) by striking out "he" and inserting in lieu thereof "the Director";

(3) in subsection (g) by striking out "he considers"; and

(4) in subsection (i)—

(A) by striking out "whatever actions he considers appropriate" and inserting in lieu thereof "appropriate actions"; and

(B) by striking out "in his role of Chairman" and inserting "as Chairperson".

(d) AMENDMENTS TO TITLE III.—Title III of the Act is amended as follows:

29 USC 772. (1) Section 302(b)(3) of the Act is amended—

100 STAT. 1843

(A) by striking out "on his determination" and inserting in lieu thereof "if the Commissioner determines";

(B) in subparagraph (C) by striking out "his" and inserting in lieu thereof "that individual's"; and

(C) in subparagraph (D) by striking out "he" and inserting in lieu thereof "the Commissioner".

29 USC 773. (2) Section 303 of the Act is amended—

(A) in subsection (e)(1) by striking out "he" and inserting in lieu thereof "the Commissioner";

(B) in subsection (e)(2)(B) by striking out "he considers" and inserting in lieu thereof "considered";

(C) in subsection (e)(2)(C) by striking out "his" both places it appears and inserting in lieu thereof "a";

(D) by amending subsection (f)(1)(A) to read as follows:

"(A) to enable the Commissioner to discharge the responsibilities under loan guarantees issued under this section; and";

(E) in the third sentence of subsection (f)(1) by striking out "him from his" and inserting in lieu thereof "the Commissioner from";

(F) in subsection (f)(2)(A) by striking out "he", and inserting in lieu thereof "the Commissioner"; and

(G) in subsection (f)(2)(C) by striking out "he" and by striking out "him" and inserting in lieu thereof "the Secretary".

29 USC 780. (e) AMENDMENTS TO TITLE IV.—

(1) Section 400(b)(3) of the Act is amended by striking out "his" and inserting in lieu thereof "such member's".

(2) Section 400(c) of the Act is amended by striking out "Chairman" both places it appears and inserting in lieu thereof "Chairperson".

(f) AMENDMENTS TO TITLE V.—Title V of the Act is amended as follows:

29 USC 791. (1) Section 501(e) of the Act is amended by striking out "his" and inserting in lieu thereof "a".

29 USC 793. (2) Section 503(b) of the Act is amended by striking out "his" and inserting in lieu thereof "a".

(3) Section 503(c) of the Act is amended by striking out "he" both places it appears and inserting in lieu thereof "The President", and by striking out "his" and inserting in lieu thereof "the".

(4) Section 507 of the Act is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson". 29 USC 794c.

(g) AMENDMENTS TO TITLE VII.—Title VII of the Act is amended as follows:

(1) Section 702 of the Act is amended by striking out "his" each place it appears and by inserting in lieu thereof "the". 29 USC 796a.

(2) Section 703(c) of the Act is amended by striking out "he" both places it appears and inserting in lieu thereof "the Commissioner". 29 USC 796b.

(3) Section 705(b) of the Act is amended by striking out "he" and inserting in lieu thereof "the Commissioner". 29 USC 796d.

(4) Section 721(a) of the Act is amended— 29 USC 796f.

(A) by striking out "his" both places it appears; and

(B) in paragraph (3) by striking out "able to care for himself;" and inserting in lieu thereof "self-sufficient;". 100 STAT. 1844

SEC. 1002. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO THE GENERAL PROVISIONS.— 29 USC 706.

(1) Section 7(3) of the Act is amended by striking out "designated State units" and inserting in lieu thereof "designated State unit".

(2) Section 7(11) of the Act is amended—

(A) by striking out subparagraph (B) and inserting in lieu thereof "(B) testing, fitting, or training in the use of prosthetic and orthotic devices,"; and

(B) in subparagraph (F) by inserting "psychiatric," before "psychological".

(b) AMENDMENTS TO TITLE I.—

(1) Section 130(b)(2) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education". 29 USC 750.

(2)(A) Section 131 of the Act is repealed. 29 USC 751.

(B) The table of contents of the Act is amended by striking out the item relating to "Sec. 131".

(c) AMENDMENTS TO TITLE II.—Section 202(j)(1) of the Act is amended by striking out "at an institution of higher education". 29 USC 761a.

(d) AMENDMENTS TO TITLE III.—

(1) Section 301(b)(1) of the Act is amended by striking out "Commission" and inserting in lieu thereof "Commissioner". 29 USC 771.

(2) Section 304(a)(2) of the Act is amended by striking out "program, and" and inserting in lieu thereof "program, and". 29 USC 774.

(3) Section 305(c) of the Act is amended by redesignating paragraph (3) as paragraph "(2)". 29 USC 775.

(4) Section 306 of the Act is amended by striking out "305(g)" and inserting in lieu thereof "305(f)". 29 USC 776.

(e) AMENDMENTS TO TITLE V.—

(1) Section 501 of the Act is amended by striking out "Office of Personnel Management" each place it appears and inserting in lieu thereof "Equal Employment Opportunity Commission". 29 USC 791.

(2)(A) Section 501(d) of the Act is amended by striking out "of the the activities" and inserting in lieu thereof "of the activities".

(B) Section 502(d)(2)(A) of the Act is amended by striking out "any, final order" and inserting in lieu thereof "any final order". 29 USC 792.

(C)(i) Section 502(d)(3) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(ii) Section 502(d)(3) of the Act is further amended by striking out "with respect overcoming to" and inserting in lieu thereof "with respect to overcoming".

(D) Section 502(e)(2) of the Act is amended by inserting "and" after "noncompliance".

29 USC 793.

(3) Section 503(a) of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

29 USC 794.

(4) Section 504 of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

29 USC 795.

(f) **Amendments to Title VI.**—Section 611(a) of the Act is amended by striking out "section 7(7)" and inserting in lieu thereof "section 7(8)".

29 USC 796a.

(h) **Amendments to Title VII.**—Section 702 of the Act is amended by inserting "(a)" after the section designation.

100 STAT. 1845

42 USC 2000d-7.

SEC. 1003. CIVIL RIGHTS REMEDIES EQUALIZATION.

State and local governments. USC prec. title 1.

(a) **General Provision.**—

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

29 USC 794. 20 USC 1681. 42 USC 6101 note. 42 USC 2000a note.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

(b) **Effective Date.**—The provisions of subsection (a) shall take effect with respect to violations that occur in whole or in part after the date of enactment of the Rehabilitation Act Amendments of 1986.

SEC. 1004. COST RATE REPORT OF THE SECRETARY.

State and local governments.

(a) **Assessment.**—The Secretary of Education shall conduct an assessment of the direct and indirect cost rates charged to State agencies designated to administer or supervise the administration of the State plan under the Rehabilitation Act of 1973 by other State agencies.

29 USC 701 note.

(b) **Report.**—Not later than February 1, 1987, the Secretary shall submit a report of such assessment to the Congress. Such report shall include recommendations regarding alternative methods for establishing indirect cost rates, including establishing predetermined fixed rates by statute and prescribing standards for negotiating such rates.

20 USC 1414 note.

SEC. 1005. MAINTENANCE OF EFFORT.

State and local governments. Handicapped persons.

(a) **General Provision.**—Notwithstanding any other provision of the Education of the Handicapped Act, the Secretary and the State educational agency, in the case of section 614(a)(2)(B)(ii) of that Act, shall not include expenditures made from an accrued fund reserve surplus after July 1, 1983, and prior to October 1, 1985, which are used for services for handicapped children.

(b) **Effective Date.**—The amendment made by subsection (a) shall take effect with respect to fiscal years beginning after September 30, 1983.

SEC. 1006. EFFECTIVE DATE.

29 USC 701 note.
100 STAT. 1846

Except as otherwise provided in this Act, this Act shall take effect on the date of its enactment.

Approved October 21, 1986.

LEGISLATIVE HISTORY—H.R. 4021 (S. 2515):

HOUSE REPORTS: No. 99-571 (Comm. on Education and Labor) and No. 99-955 (Comm. of Conference).
SENATE REPORTS: No. 99-388 accompanying S. 2515 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
    May 6, 7, considered and passed House.
    Sept. 8, considered and passed Senate, amended, in lieu of S. 2515.
    Oct. 2, House agreed to conference report.
    Oct. 3, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
    Oct. 21, Presidential statement.

Public Law 99-649
99th Congress

100 STAT. 3633

An Act

To improve the public health through the prevention of injuries.

Nov. 10, 1986
[S. 2648]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Injury Prevention Act of 1986".

Injury Prevention Act of 1986.
42 USC 201 note.

FINDINGS AND PURPOSES

42 USC 280b note.

SEC. 2. (a) The Congress finds and declares that:

(1) Injury is one of the principal public health problems in America, and causes over 140,000 deaths per year.

(2) Injury rates are particularly high for children and the elderly.

(3) Injury causes 50 percent of all deaths for children over the age of one year and two-thirds of all deaths for children over the age of 15 years, and is the leading cause of death for individuals under the age of 44 years. Individuals over the age of 65 years have the highest fatality rates for many injuries.

(4) Injury control has not been given high priority in the United States, and the research being conducted on injury control and the number of personnel involved in injury control activities are not adequate.

(b) The purposes of this Act are—

(1) to promote research into the causes, diagnosis, treatment, prevention, and control of injuries and rehabilitation from injuries;

(2) to promote cooperation between specialists in fields involved in injury research; and

(3) to promote coordination between Federal, State, and local governments and public and private entities in order to achieve a reduction in deaths from injuries.

PUBLIC HEALTH RESEARCH AND ACTIVITIES RELATING TO INJURY CONTROL

SEC. 3. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part: 42 USC 241.

"PART J—INJURY CONTROL

"RESEARCH

42 USC 280b.

"SEC. 391. (a) The Secretary, through the Director of the Centers for Disease Control, shall—

"(1) conduct, and give assistance to public and nonprofit private entities, scientific institutions, and individuals engaged in the conduct of, research relating to the causes, mechanisms, prevention, diagnosis, treatment of injuries, and rehabilitation from injuries; and

Grants. Schools and colleges. Hospitals.

"(2) make grants to public and nonprofit private entities (including academic institutions, hospitals, and laboratories) and individuals for the conduct of such research.

"(b) The Secretary, through the Director of the Centers for Disease Control, shall collect and disseminate, through publications and other appropriate means, information concerning the practical applications of research conducted or assisted under subsection (a).

"CONTROL ACTIVITIES

42 USC 280b-1.

"SEC. 392. (a) The Secretary, through the Director of the Centers for Disease Control, shall—

State and local governments.

"(1) assist States and political subdivisions of States in activities for the prevention of injuries; and

"(2) encourage regional activities between States designed to reduce injury rates.

"(b) The Secretary, through the Director of the Centers for Disease Control, may—

Contracts. Health and medical care.

"(1) enter into agreements between the Service and public and private community health agencies which provide for cooperative planning of activities to deal with problems relating to injuries and injury control; and

State and local governments.

"(2) work in cooperation with Federal, State, and local agencies to promote injury control.

"STUDY

Reports. Children and youth. 42 USC 280b-2.

"SEC. 393. By January 1, 1989, the Secretary, through the Director of the Centers for Disease Control, shall prepare and transmit to the Congress a report analyzing the incidence and causes of childhood injuries in the United States and containing recommendations for such legislation with respect to injury control as the Secretary considers appropriate.

"AUTHORIZATIONS OF APPROPRIATIONS

42 USC 280b-3.

"SEC. 394. (a) To carry out sections 391 and 392, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1988, 1989, and 1990. Of the amounts appropriated under this section for any fiscal year, not more than 20 percent may be used for Federal administrative expenses to carry out such section for such fiscal year.".

Approved November 10, 1986.

LEGISLATIVE HISTORY—S. 2648:

SENATE REPORTS: No. 99-434 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Oct. 3, considered and passed Senate.
Oct. 16, considered and passed House.

Public Law 99-660
99th Congress

An Act

To require States to develop, establish, and implement State comprehensive mental health plans.

Nov. 14, 1986
[S. 1744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DRUG EXPORTS

Drug Export Amendments Act of 1986.
21 USC 301 note.

SEC. 101. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This title may be cited as the "Drug Export Amendments Act of 1986".

(b) REFERENCE.—Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

21 USC 301.

SEC. 102. EXPORT AUTHORITY.

21 USC 381 *et seq.*

Chapter VIII is amended—

(1) by inserting after the chapter heading the following:

"IMPORTS AND EXPORTS", and

(2) by inserting after section 801 the following:

"EXPORTS OF CERTAIN UNAPPROVED PRODUCTS

Animals.
21 USC 382.

"SEC. 802. (a) A drug (including a biological product) intended for human or animal use—

(1) which—

21 USC 355.
21 USC 360b.

"(A) requires approval by the Secretary under section 505 or section 512, or

Commerce and trade.
42 USC 262.
21 USC 151 note.

"(B) requires licensing by the Secretary under section 351 of the Public Health Service Act or by the Secretary of Agriculture under the Act of March 4, 1913 (known as the Virus Serum Toxin Act),

before it may be introduced or delivered for introduction into interstate commerce to a country, and

"(2) which does not have such approval or license, which is not exempt from such sections or Act, and which is introduced or delivered for introduction into interstate commerce to a country,

is adulterated, misbranded, and in violation of such sections or Act unless the export of the drug is authorized under subsection (b).

"(b)(1) A drug (including a biological product) may, upon approval of an application submitted under paragraph (3), be exported if—

"(A) the drug contains the same active ingredient as a—

100 STAT. 3744

21 USC 355.

"(i) new drug—

"(I) which has an exemption under section 505(i), and

"(II) for which approval is actively being pursued by the person who has the exemption,

"(ii) biological product for human use—

"(I) which has an exemption under section 505(i), and

42 USC 262.

"(II) for which licensing of the biological product under section 351 of the Public Health Service Act is actively being pursued by the person who has the exemption,

"(iii) biological product for animal use—

21 USC 151 note.

"(I) for which authority has been granted under the Virus-Serum Toxin Act for the preparation of an experimental drug product, and

"(II) for which the licensing of the biological product under such Act is actively being pursued by the person who has the authority, or

"(iv) new animal drug—

21 USC 360b.

"(I) which has an exemption under section 512(j), and

"(II) for which approval is actively being pursued by the person who has the exemption,

"(B) except as provided in paragraph (2), the drug is exported to a country which is listed under paragraph (4) and in which the drug is approved and has not been withdrawn from sale,

"(C) an application for the drug under section 505 or 512, section 351 of the Public Health Service Act, or the Virus-Serum Toxin Act has not been disapproved by an order of the Secretary under section 505(d) or 512(d) or 351 of the Public Health Service Act or by the Secretary of Agriculture in the case of an application under the Virus-Serum Toxin Act,

"(D) the drug is manufactured, processed, packaged, and held in conformity with current good manufacturing practice and is not adulterated under paragraph (a)(1), (a)(2)(A), (a)(3), (c), or (d) of section 501,

21 USC 351.
Labeling.

"(E) the outside of the shipping package is labeled with the following statement: 'This drug may be sold or offered for sale only in the following countries: ', the blank space being filled with a list of the countries to which export of the drug is authorized under this subsection,

Safety.

"(F) the drug is not the subject of a notice by the Secretary or the Secretary of Agriculture of a determination that the manufacture of the drug in the United States for export to a country is contrary to the public health and safety of the United States,

21 USC 381.

"(G) the requirements of subparagraphs (A) through (D) of section 801(d)(1) have been met.

The Secretary shall determine that an applicant is actively pursuing the approval or licensing of a drug if the applicant has demonstrated that degree of attention and continuous directed effort as may reasonably be expected from, and are ordinarily exercised by, a person before approval or licensing of a drug, such as the preparation for and the conduct of preclinical or clinical investigations, the analysis of the results of such investigations, conferences on such investigations with government officials, and the preparation of an application of approval or licensing for the drug.

"(2) The Secretary may permit the export of a drug under paragraph (1) to a country which is listed under paragraph (4) and in

100 STAT. 3745

which the drug is not approved if the drug is exported to such country solely for the purpose of further export to a country listed in paragraph (4) in which the drug is approved.

Federal Register, publication.

"(3)(A) Any person may apply to have a drug exported under paragraph (1). Such an application shall be filed at least 90 days before the date the applicant proposes to export the drug for which the application is submitted. Before the expiration of 10 days from the date of the submission of such an application, the Secretary shall publish a notice in the Federal Register which identifies the applicant under such application, the drug proposed to be exported under such application, and the country to which the drug is proposed to be exported.

"(B) An application for the export of a drug shall—

"(i) identify the drug to be exported,

"(ii) list each country to which the drug is to be exported and list the persons in each such country to which the drug is to be exported,

"(iii) contain a certification by the applicant that—

"(I) the applicant will export the drug only to a country which is listed in paragraph (4) and in which the drug is approved unless the drug is authorized to be exported under paragraph (2) and will export only those quantities of the drug which may reasonably be sold in each country to which it is to be exported,

"(II) the drug is approved by each country to which it is to be exported unless the drug is authorized to be exported under paragraph (2) and the drug has not been withdrawn from sale in such country,

"(III) the drug meets the requirements of paragraph (1)(D),

"(IV) the drug will be labeled in accordance with paragraph (1)(E), and

"(V) the drug meets the requirements of paragraphs (1)(C) and (1)(G),

"(iv) contain a certification by the holder of the exemption or authority for such drug described in paragraph (1)(A) that the holder will actively pursue the approval or licensing of the drug,

"(v) identify the exemption or authority for an experimental drug product in effect for such drug under the laws referred to in paragraph (1)(A),

"(vi) identify the establishments in which the drug is manufactured, and

Contracts. Records.

"(vii) include a written agreement from each importer to whom the drug is to be exported from the United States that such importer will not export the drug to a country which is not listed under paragraph (4) and will provide notice to the applicant of any knowledge of an export of the drug to such a country by any person and will maintain records of the drug wholesale distributors to which the drug is sold.

"(C)(i) Before the expiration of 30 days after the date an application is submitted to the Secretary, the Secretary shall review the application to determine if the application meets the requirements of clauses (i), (ii), (iv), (v), (vi), and (vii) of subparagraph (B) and contains the certifications described in clauses (iii) (other than the certification required by clause (iii)(II)) and (iv). If the Secretary determines that the application meets such requirements and contains such certifications the Secretary shall conditionally approve the application. An application which is so conditionally approved shall be finally approved within 5 days of the submission of the certification required by clause (iii)(II).

100 STAT. 3746

"(ii) If the Secretary proposes to disapprove an application, the Secretary shall provide the applicant with a written statement specifying—

"(I) the deficiencies which the applicant must correct in order to enable the Secretary to approve the application, and

"(II) that the applicant has 60 days after receiving the statement to correct such deficiencies.

"(D) If the holder of an application approved under subparagraph (C) for the export of a drug intends to export such drug to a country listed in paragraph (4) which is not listed in such application, such holder shall submit an amendment to such application to the Secretary not later than 30 days before the date of the proposed export to such country identifying the country to which the holder intends to export such drug and containing information sufficient to show that the drug is approved by such country and has not been withdrawn from sale in such country. The Secretary shall approve or disapprove the export of such drug to such country within 15 days of the receipt of the notice required by this subparagraph.

Recipient countries.

"(4)(A) The countries to which a drug may be exported under paragraph (1) are—

"(i) Australia,

"(ii) Austria,

"(iii) Belgium,

"(iv) Canada,

"(v) Denmark,

"(vi) Federal Republic of Germany,

"(vii) Finland,

"(viii) France,

"(ix) Iceland,
"(x) Ireland,
"(xi) Italy,
"(xii) Japan,
"(xiii) Luxembourg,
"(xiv) The Netherlands,
"(xv) New Zealand,
"(xvi) Norway,
"(xvii) Portugal,
"(xviii) Spain,
"(xix) Sweden,
"(xx) Switzerland, and
"(xxi) The United Kingdom,

"(B) Changes in the list contained in subparagraph (A) shall be based on the following criteria:

Safety.

"(i) Statutory or regulatory requirements which require the review of drugs for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs.

100 STAT. 3747

"(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength.

Safety.

"(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective.

Labeling.
Marketing.

"(iv) Statutory or regulatory requirements that the labeling and promotion of drugs must be in accordance with the approval of the drug.

Reports.

"(c)(1) The holder of an approved application under subsection (b) authorizing the export of a drug shall report to the Secretary—

"(A) any withdrawal of an approval of the drug by any country to which it has been exported,

"(B) any withdrawal of the drug from sale in any such country,

21 USC 355, 360b; 42 USC 262.
21 USC 151 note.

"(C) the withdrawal of an application by the holder under section 505 or 512, section 351 of the Public Health Service Act, or the Virus-Serum Toxin Act, and

"(D) the receipt of any credible information indicating that the drug is being or may have been exported from a country listed under subsection (b)(4) to a country which is not listed under such subsection.

Reports.

The reporting of an event described in subparagraph (A), (B), or (C) shall be made within 15 days of the occurrence of the event and the reporting of the receipt of information under subparagraph (D) shall be made within 15 days of the receipt of such information.

Reports.

"(2) The holder of an approved application under subsection (b) authorizing the export of a drug shall report annually to the Secretary after the date of the approval of the application of the actions taken by the holder in pursuit of the approval of such drug during the year reported on. Not later than 90 days from the date of the receipt of a report under this paragraph the Secretary shall determine if the holder is actively pursuing the approval of such drug.

"(d) A drug authorized to be exported to a country under an application approved under subsection (b) may not be exported to such country if—

"(1) an approval of such drug is withdrawn by such country, "(2) the drug is withdrawn from sale in such country,

"(3) the Secretary issues an order refusing to approve an application of the holder of such application under section 505 or 512, section 351 of the Public Health Service Act, or the Virus-Serum Toxin Act, or

"(4) an application for such drug under such section or Act is withdrawn or if an exemption for such drug under section 505(i) or 512(j) or the authority granted for such drug to prepare an experimental drug product under the Virus-Serum Toxin Act is withdrawn and no application for approval of such drug has been submitted under section 505 or 512, section 351 of the Public Health Service Act, or the Virus-Serum Toxin Act.

"(e)(1) If the Secretary determines that—

"(A) a drug for which an application was approved under subsection (b) no longer complies with subparagraphs (A), (D), (E), and (G) of paragraph (1) of such subsection or with paragraph (2) of such subsection or the holder of such application has not made the reports required by subsection (c), or

Safety.

"(B) the manufacture of a drug in the United States for export is contrary to the public health and safety of the United States and an application for the export of such drug has been approved under subsection (b),

then before taking action against the holder of an application for which a determination was made under subparagraph (A) or (B), the Secretary shall notify the holder in writing of the determination and provide the holder 30 days to take such action as may be required so that the Secretary would be unable to make such determination. When the Secretary takes action against such holder because of such a determination, the Secretary shall provide the holder a written statement specifying the reasons for such determination and provide the person, on request, an opportunity for an informal hearing with respect to such determination.

"(2) If the Secretary determines that the approval of a drug is not being actively pursued as required by subsection (b)(1)(A), the Secretary shall give the holder of the application authorizing the export of such drug 60 days to assure that actions are taken to actively pursue such approval. During the 60-day period the Secretary shall give the holder an opportunity for an informal hearing on the determination of the Secretary. If upon the expiration of such 60-day period the Secretary determines that approval of such drug is not being actively pursued, the Secretary shall prohibit the export of such drug.

"(3)(A) If at any time the Secretary, or in the absence of the Secretary the individual acting as the Secretary, determines that—

"(i) the holder of an approved application under subsection (b) is exporting a drug from the United States to an importer,

"(ii) such importer is exporting the drug to a country which is not listed under subsection (b)(4), and

"(iii) such export presents an imminent hazard to the public health in such country,

the Secretary shall immediately prohibit the export of the drug to such importer, give the person exporting the drug from the United States prompt notice of the determination, and afford such person an opportunity for an expedited hearing.

"(B) The authority conferred by subparagraph (A) shall not be delegated by the Secretary. A determination by the Secretary under subparagraph (A) may not be stayed pending final action by a reviewing court.

"(4)(A) If the Secretary, or in the absence of the Secretary the individual acting as the Secretary, determines that the holder of an approved application under subsection (b) is exporting a drug to a country which is not listed under subsection (b)(4) and that the export of the drug presents an imminent hazard, the Secretary shall immediately prohibit the export of the drug to such country, give the holder prompt notice of the determination, and afford the holder an opportunity for an expedited hearing.

"(B) The authority conferred by subparagraph (A) shall not be delegated by the Secretary. A determination by the Secretary under subparagraph (A) may not be stayed pending final action by a reviewing court.

"(5) If the Secretary receives credible evidence that the holder of an application approved under subsection (b) is exporting a drug to a country which is not listed under subsection (b)(4), the Secretary shall give the holder 60 days to provide information to the Secretary

100 STAT. 3749

respecting such evidence and shall provide the holder an opportunity for an informal hearing on such evidence. Upon the expiration of such 60 days the Secretary shall prohibit the export of such drug to such country if the Secretary determines that the holder of the application is exporting the drug to a country which is not listed under subsection (b)(4).

Reports.

"(6) If the Secretary receives credible evidence that an importer is exporting a drug to a country which is not listed under subsection (b)(4), the Secretary shall notify the holder of the application authorizing the export of such drug of such evidence and shall require the holder to investigate the export by such importer and to report to the Secretary within 14 days of the receipt of such notice the findings of the holder. If the Secretary determines that the importer has exported a drug to such a country, the Secretary shall prohibit such holder from exporting such drug to the importer unless the Secretary determines that the export by the importer was unintentional.

"(f)(1) A drug (including a biological product) which is to be used in the prevention or treatment of a tropical disease may, upon approval of an application submitted under paragraph (2), be exported if—

Safety.

"(A) the Secretary finds, based on credible scientific evidence, including clinical investigations, that the drug is safe and effective in the country to which it is to be exported in the prevention or treatment of a tropical disease in such country,

"(B) the drug is manufactured, processed, packaged, and held in conformity with current good manufacturing practice and is not adulterated under paragraph (a)(1), (a)(2)(A), (a)(3), (c), or (d) of section 501,

21 USC 351.

Labeling.

"(C) the outside of the shipping package is labeled with the following statement: 'This drug may be sold or offered for sale only in the following countries: ', the blank space being filled with a list of the countries to which export of the drug is authorized under this subsection,

Safety.

"(D) the drug is not the subject of a notice by the Secretary or the Secretary of Agriculture of a determination that the manufacture of the drug in the United States for export to a country is contrary to the public health and safety of the United States, and

"(E) the requirements of subparagraphs (A) through (D) of section 801(d)(1) have been met.

21 USC 381.

"(2) Any person may apply to have a drug exported under paragraph (1). The application shall—

"(A) describe the drug to be exported,

"(B) list each country to which the drug is to be exported,

"(C) contain a certification by the applicant that the drug will not be exported to a country for which the Secretary cannot make a finding described in paragraph (1)(A),

"(D) identify the establishments in which the drug is manufactured, and

"(E) demonstrate to the Secretary that the drug meets the requirements of paragraph (1).

Reports.

"(3) The holder of an approved application for the export of a drug under this subsection shall report to the Secretary—

"(A) the receipt of any information indicating that the drug is being or may have been exported from a country for which the Secretary made a finding under paragraph (1)(A) to a country for which the Secretary cannot make such a finding, and

"(B) the receipt of any information indicating any adverse reactions to such drug.

"(4)(A) If the Secretary determines that—

"(i) a drug for which an application is approved under paragraph (2) does not continue to meet the requirements of paragraph (1),

"(ii) the holder of such application has not made the report required by paragraph (3), or

"(iii) the manufacture of such drug in the United States for export is contrary to the public health and safety of the United States and an application for the export of such drug has been approved under paragraph (2),

then before taking action against the holder of an application for which a determination was made under clause (i), (ii), or (iii), the Secretary shall notify the holder in writing of the determination and provide the holder 30 days to take such action as may be required so that the Secretary would be unable to make such determination. When the Secretary takes action against such holder because of such a determination, the Secretary shall provide the holder a written statement specifying the reasons for such determination and provide the person, on request, an opportunity for an informal hearing with respect to such determination.

"(B) If at any time the Secretary, or in the absence of the Secretary the individual acting as the Secretary, determines that—

"(i) the holder of an approved application under paragraph (2) is exporting a drug from the United States to an importer,

"(ii) such importer is exporting the drug to a country for which the Secretary cannot make a finding under paragraph (1)(A), and

"(iii) such export presents an imminent hazard to the public health in such country,

the Secretary shall immediately prohibit the export of the drug to such importer, give the person exporting the drug from the United States prompt notice of the determination, and afford such person an opportunity for an expedited hearing. A determination by the Secretary under this subparagraph may not be stayed pending final action by a reviewing court. The authority conferred by this subparagraph shall not be delegated by the Secretary.

"(C) If the Secretary, or in the absence of the Secretary the individual acting as the Secretary, determines that the holder of an approved application under paragraph (2) is exporting a drug to a country for which the Secretary cannot make a finding under paragraph (1)(A), and that the export of the drug presents an imminent hazard, the Secretary shall immediately prohibit the export of the drug to such country, give the holder prompt notice of the determination, and afford the holder an opportunity for an expedited hearing. A determination by the Secretary under this subparagraph may not be stayed pending final action by a reviewing court. The authority conferred by this subparagraph shall not be delegated by the Secretary.

"(D) If the Secretary receives credible evidence that the holder of an application approved under paragraph (2) is exporting a drug to a country for which the Secretary cannot make a finding under paragraph (1)(A), the Secretary shall give the holder 60 days to provide information to the Secretary respecting such evidence and shall provide the holder an opportunity for an informal hearing on such evidence. Upon the expiration of such 60 days the Secretary shall prohibit the export of such drug to such country if the Secretary determines the holder is exporting the drug to a country for which the Secretary cannot make a finding under paragraph (1)(A).

100 STAT. 3751

Reports.

"(E) If the Secretary receives credible evidence that an importer is exporting a drug to a country for which the Secretary cannot make a finding under paragraph (1)(A), the Secretary shall notify the holder of the application authorizing the export of such drug of such evidence and shall require the holder to investigate the export by such importer and to report to the Secretary within 14 days of the receipt of such notice the findings of the holder. If the Secretary determines that the importer has exported a drug to such a country, the Secretary shall prohibit such holder from exporting such drug to the importer unless the Secretary determines that the export by the importer was unintentional.

"(g) For purposes of this section—

"(1) a reference to the Secretary shall in the case of a biological product which is required to be licensed under the Virus-Serum Toxin Act be considered to be a reference to the Secretary of Agriculture, and

"(2) a reference in paragraph (3), (4), (5), or (6) of subsection (e) and in subparagraph (B), (C), (D), or (E) of subsection (f)(4) to the holder of an application shall be considered a reference to any person which is under common control with holder, is controlled by the holder, controls the holder, is owned by the holder, or owns the holder.".

21 USC 333 note.

SEC. 103. ENFORCEMENT.

21 USC 333.

For the fines authorized to be imposed under section 303 of the Federal Food, Drug, and Cosmetic Act, see section 3623 of title 18, United States Code, for the period ending October 31, 1986, and sections 3559 and 3571 of such title for the period beginning November 1, 1986.

SEC. 104. TROPICAL DISEASES.

Section 301 of the Public Health Service Act (42 U.S.C. 241) is amended by adding at the end the following:

Research and development.
Grants.
Contracts.

"(c) The Secretary may conduct biomedical research, directly or through grants or contracts, for the identification, control, treatment, and prevention of diseases (including tropical diseases) which do not occur to a significant extent in the United States.".

SEC. 105. PARTIALLY PROCESSED BIOLOGICAL PRODUCTS.

(a) AMENDMENT.—Section 351 of the Public Health Service Act (42 U.S.C 262) is amended by adding at the end the following:

Post, p. 3783.
Labeling.

Ante, p. 3743.

"(h)(1)(A) A partially processed biological product which is not in a form applicable to the prevention, treatment, or cure of diseases or injuries of man, which is not intended for sale in the United States, and which is intended for further manufacture into final dosage form outside the United States in a country listed under section 802(b)(A) of the Federal Food, Drug, and Cosmetic Act may, upon approval of an application meeting the requirements of subparagraph (B), be exported to a country listed under section 802(b)(4) of the Federal Food, Drug, and Cosmetic Act. The Secretary may not approve an application to export such a product unless the Secretary determines that the product is manufactured, processed, packaged, and held in conformity with current good manufacturing practice and the outside of the shipping package is labeled with the following statement: 'This product may be sold or offered for sale only in the following countries: ', the blank space being filled with a list of the countries to which export of the drug is authorized.

"(B) An application for the export of a partially processed biological product shall—

"(i) describe the partially processed biological product to be exported,

"(ii) list each country to which the product is to be exported,

"(iii) contain a certification by the applicant that the product will not be exported to a country not listed under clause (ii),

"(iv) identify the establishments in which the product is manufactured, and

"(v) contain a certification by the applicant that the final product to be developed from the partially processed product is approved in the country to which it is to be exported or approval of the final product is being sought in such country.

"(2) A product described in paragraph (1) is not subject to licensure under this section.

"(3) If the Secretary determines that prohibiting the export of a product described in paragraph (1) is necessary for protection of the public health in the United States or the country to which it is to be exported, the Secretary may not approve an application under paragraph (1) for the export of such product.".

(b) Effective Date.—Paragraph (1) of section 351(h) of the Public Health Service Act as added by subsection (a) shall take effect upon the expiration of 90 days after the date of the enactment of this Act.

42 USC 262 note.

TITLE II—NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

National Commission to Prevent Infant Mortality Act of 1986.

SEC. 201. SHORT TITLE.

42 USC 289g note.

This title may be cited as the "National Commission to Prevent Infant Mortality Act of 1986".

SEC. 202. DEFINITION.

42 USC 289g note.

For the purposes of this title, the term "infant mortality" refers to the number of infants born alive but who die before their first birthday.

SEC. 203. ESTABLISHMENT OF A NATIONAL COMMISSION.

42 USC 289g note.

(a) Establishment.—There is established the National Commission to Prevent Infant Mortality (hereinafter referred to as the "Commission").

(b) Composition.—The Commission shall be composed of fifteen members, as follows:

(1) Two members of the Senate, one to be selected by the majority leader of the Senate, the other to be selected by the minority leader of the Senate.

(2) Two members of the House, one to be selected by the Speaker of the House, the other to be selected by the minority leader of the House.

(3) Three representatives of State government shall be jointly selected by the majority leader of the Senate and the Speaker of the House. One shall be a Governor; one shall be a chief State official responsible for administering the State medicaid program; and one shall be the chief State official responsible for administering the State maternal and child health programs.

100 STAT. 3753

(4) The Secretary of Health and Human Services shall be a member.

(5) The Comptroller General of the United States shall be a member.

(6) Six at large members, with demonstrated expertise in maternal and child health, including representatives of health care consumer and provider organizations, shall be jointly selected by the majority leader of the Senate and the Speaker of the House.

(c) Chairman and Vice Chairman.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(d) Quorum.—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) Meetings.—The Commission shall meet at the call of the Chairperson.

(f) Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

42 USC 285g note.

SEC. 204. DUTIES OF THE COMMISSION.

(a) DUTIES.—The Commission shall:

(1) Identify and examine comprehensively Federal, State, local, and private resources which impact infant mortality, including but not limited to—

(A) the effectiveness and adequacy of programs such as the Supplemental Feeding Program for Women, Infants, and Children; the Maternal and Child Health Block Grant; Community Health Centers; prepregnancy services and other programs that increase access to prenatal and post-natal education, care, and nutrition;

(B) the effectiveness of current Federal and State policies under the Medicaid Program to ensure adequate access to prenatal and post-natal care for low-income pregnant women, mothers, and infants up to age one;

(C) the role of income maintenance and other programs that impact infant mortality such as Aid to Families with Dependent Children and Federal housing subsidies;

(D) the adequacy of current Federal and State efforts to enable an appropriate distribution of properly trained health care professionals to provide comprehensive maternal and child health services;

(E) the adequacy of private health care financing systems and mechanisms to enable pregnant women and infants to receive comprehensive health care; and

(F) the adequacy of the national biostatistics registration system with respect to the collection and reporting of infant health statistics.

(2) Identify current financial, intergovernmental, and within the Federal Government, interagency barriers to the health care needed to prevent high infant mortality.

(3) Review recommendations made in recent regional and national reports that promote the health status of childbearing women and their infants and carry forward such recommendations as deemed appropriate.

100 STAT. 3754

(4) Hold hearings, in accordance with section 205(a), in areas of the United States with high infant mortality rates.

(b) RECOMMENDATIONS.—The Commission shall—

(1) recommend a national policy designed to reduce and prevent infant mortality, including recommendations concerning populations at risk of high infant death rates and recommendations concerning appropriate roles for the Federal Government, States, local governments, and private sector;

(2) recommend to the Congress and the President the specific changes needed within Federal laws and Federal programs to achieve an effective Federal role in preventing infant mortality, including the programs specified in subparagraphs (A) and (B) of subsection (a)(1);

(3) recommend to the Congress and the President the specific changes needed to improve the national vital statistics registration system with respect to infant death statistics; and

(4) present such recommendations to the President, the Committee on Energy and Commerce of the House of Representatives, and the Committees on Finance and Governmental Affairs of the Senate no later than one year after enactment of this Act.

42 USC 285g note.

SEC. 205. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission, or at its direction, any subcommittee or member thereof, may for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence and administer such oaths, as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission, subcommittee, or member thereof.

(b) **Information.**—The Commission may secure directly from any Federal department or agency such information as may be necessary to enable the Commission to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) **Contracts.**—To carry out this title, the Commission may enter into such contracts and other arrangements to such extent or in such amounts as are provided in appropriation Acts, and without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Contracts and other arrangements may be entered into under this subsection with or without consideration or bond.

(d) **Applicability of Federal Advisory Committee Act.**—The provisions of the Federal Advisory Committee Act shall not apply to the Commission.

5 USC app.

SEC. 206. COMMISSION STAFF.

42 USC 285g note.

(a) **Executive Director.**—The Chairperson and Vice Chairperson of the Commission shall appoint an executive director. The employment of such executive director shall be subject to confirmation by the Commission.

(b) **Other Personnel.**—The Commission may appoint and terminate the executive director selected under subsection (a) and such other personnel as it considers appropriate to assist in the performance of its duties under this title, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for such executive director and other personnel may not exceed the rate payable for GS-18 of the General Schedule under section 5332 of such title.

100 STAT. 3755

5 USC 5101 *et seq.*
5 USC 5331.

(c) Applicability of Other Federal Laws.—Service of an individual as a member of the Commission or employment of an individual by the Commission on a part-time or full-time basis and with or without compensation shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(d) Experts and Consultants.—Subject to such rules as may be prescribed by the Commission, the Chairman of the Commission may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily rate payable for GS-18 of the General Schedule under section 5332 of such title.

SEC. 207. SUNSHINE PROVISION.

42 USC 285g note.

The Commission shall establish procedures to ensure its proceedings are open to the public to the maximum extent practicable.

SEC. 208. TERMINATION OF THE COMMISSION.

42 USC 285g note.

Ninety days after the Commission submits its recommendations as required by section 204(b)(4) the Commission shall terminate.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

42 USC 285g note.

There are authorized to be appropriated to the Commission such sums as may be necessary. Amounts appropriated under this section shall remain available until the day on which the Commission terminates under section 208.

TITLE III—VACCINE COMPENSATION

National Childhood Vaccine Injury Act of 1986. 42 USC 201.

SEC. 301. SHORT TITLE.

This title may be cited as the "National Childhood Vaccine Injury Act of 1986".

PART A—VACCINES

42 USC 300aa *et seq.*, 300cc *et seq.*

SEC. 311. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

(a) NEW TITLE.—The Public Health Service Act is amended by redesignating title XXI as title XXIII, by redesignating sections 2101 through 2116 as sections 2301 through 2316, respectively, and by inserting after title XX the following new title:

100 STAT. 3756

"TITLE XXI—VACCINES

"Subtitle 1—National Vaccine Program

"ESTABLISHMENT

42 USC 300aa-1. "SEC. 2101. The Secretary shall establish in the Department of Health and Human Services a National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The Program shall be administered by a Director selected by the Secretary.

"PROGRAM RESPONSIBILITIES

42 USC 300aa-2. "SEC. 2102. (a) The Director of the Program shall have the following responsibilities:

"(1) VACCINE RESEARCH.—The Director of the Program shall, through the plan issued under section 2103, coordinate and provide direction for research carried out in or through the National Institutes of Health, the Centers for Disease Control, the Office of Biologics Research and Review of the Food and Drug Administration, the Department of Defense, and the Agency for International Development on means to induce human immunity against naturally occurring infectious diseases and to prevent adverse reactions to vaccines.

"(2) VACCINE DEVELOPMENT.—The Director of the Program shall, through the plan issued under section 2103, coordinate and provide direction for activities carried out in or through the National Institutes of Health, the Office of Biologics Research and Review of the Food and Drug Administration, the Department of Defense, and the Agency for International Development to develop the techniques needed to produce safe and effective vaccines.

"(3) SAFETY AND EFFICACY TESTING OF VACCINES.—The Director of the Program shall, through the plan issued under section 2103, coordinate and provide direction for safety and efficacy testing of vaccines carried out in or through the National Institutes of Health, the Centers for Disease Control, the Office of Biologics Research and Review of the Food and Drug Administration, the Department of Defense, and the Agency for International Development.

"(4) LICENSING OF VACCINE MANUFACTURERS AND VACCINES.—The Director of the Program shall, through the plan issued under section 2103, coordinate and provide direction for the allocation of resources in the implementation of the licensing program under section 353. 42 USC 263a.

"(5) PRODUCTION AND PROCUREMENT OF VACCINES.—The Director of the Program shall, through the plan issued under section 2103, ensure that the governmental and non-governmental production and procurement of safe and effective vaccines by the Public Health Service, the Department of Defense, and the Agency for International Development meet the needs of the United States population and fulfill commitments of the United States to prevent human infectious diseases in other countries.

"(6) DISTRIBUTION AND USE OF VACCINES.—The Director of the Program shall, through the plan issued under section 2103, coordinate and provide direction to the Centers for Disease Control and assistance to States, localities, and health practitioners in the distribution and use of vaccines, including efforts to encourage public acceptance of immunizations and to make health practitioners and the public aware of potential adverse reactions and contraindications to vaccines.

"(7) EVALUATING THE NEED FOR AND THE EFFECTIVENESS AND ADVERSE EFFECTS OF VACCINES AND IMMUNIZATION ACTIVITIES.—The Director of the Program shall, through the plan issued under section 2103, coordinate and provide direction to the National Institutes of Health, the Centers for Disease Control, the Office of Biologics Research and Review of the Food and Drug Administration, the National Center for Health Statistics, the National Center for Health Services Research and Health Care Technology Assessment, and the Health Care Financing Administration in monitoring the need for and the effectiveness and adverse effects of vaccines and immunization activities.

"(8) COORDINATING GOVERNMENTAL AND NON-GOVERNMENTAL ACTIVITIES.—The Director of the Program shall, through the plan issued under section 2103, provide for the exchange of information between Federal agencies involved in the implementation of the Program and non-governmental entities engaged in the development and production of vaccines and in vaccine research and encourage the investment of non-governmental resources complementary to the governmental activities under the Program.

"(9) FUNDING OF FEDERAL AGENCIES.—The Director of the Program shall make available to Federal agencies involved in the implementation of the plan issued under section 2103 funds appropriated under section 2106 to supplement the funds otherwise available to such agencies for activities under the plan.

"(b) In carrying out subsection (a) and in preparing the plan under section 2103, the Director shall consult with all Federal agencies involved in research on and development, testing, licensing, production, procurement, distribution, and use of vaccines.

"PLAN

"SEC. 2103. The Director of the Program shall prepare and issue a plan for the implementation of the responsibilities of the Director under section 2102. The plan shall establish priorities in research and the development, testing, licensing, production, procurement, distribution, and effective use of vaccines, describe an optimal use of resources to carry out such priorities, and describe how each of the various departments and agencies will carry out their vaccine functions in consultation and coordination with the Program and in conformity with such priorities. The first plan under this section shall be prepared not later than January 1, 1987, and shall be revised not later than January 1 of each succeeding year. 42 USC 300aa-3.

"REPORT

"SEC. 2104. The Director shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than January 1, 1988, and annually thereafter on the implementation of the Program and the plan prepared under section 2103. 42 USC 300aa-4.

100 STAT. 3758

"NATIONAL VACCINE ADVISORY COMMITTEE

42 USC 300aa-5.

"Sec. 2105. (a) There is established the National Vaccine Advisory Committee. The members of the Committee shall be appointed by the Director of the Program, in consultation with the National Academy of Sciences, from among individuals who are engaged in vaccine research or the manufacture of vaccines or who are physicians, members of parent organizations concerned with immunizations, or representatives of State or local health agencies or public health organizations.

"(b) The Committee shall—

"(1) study and recommend ways to encourage the availability of an adequate supply of safe and effective vaccination products in the States,

"(2) recommend research priorities and other measures the Director of the Program should take to enhance the safety and efficacy of vaccines,

"(3) advise the Director of the Program in the implementation of sections 2102, 2103, and 2104, and

"(4) identify annually for the Director of the Program the most important areas of government and non-government cooperation that should be considered in implementing sections 2102, 2103, and 2104.

"AUTHORIZATIONS

42 USC 300aa-6.

"Sec. 2106. (a) To carry out this subtitle other than section 2102(9) there are authorized to be appropriated $2,000,000 for fiscal year 1987, $2,500,000 for fiscal year 1988, $3,000,000 for fiscal year 1989, $3,500,000 for fiscal year 1990, $4,000,000 for fiscal year 1991.

"(b) To carry out section 2102(9) there are authorized to be appropriated $20,000,000 for fiscal year 1987, $22,500,000 for fiscal year 1988, $25,000,000 for fiscal year 1989, $27,500,000 for fiscal year 1990, $30,000,000 for fiscal year 1991.

"Subtitle 2—National Vaccine Injury Compensation Program

"Part A—Program Requirements

"ESTABLISHMENT OF PROGRAM

42 USC 300aa-10.

"Sec. 2110. (a) Program Established.—There is established the National Vaccine Injury Compensation Program to be administered by the Secretary under which compensation may be paid for a vaccine-related injury or death.

"(b) Attorney's Obligation.—It shall be the ethical obligation of any attorney who is consulted by an individual with respect to a vaccine-related injury or death to advise such individual that compensation may be available under the program for such injury or death.

"PETITIONS FOR COMPENSATION

42 USC 300aa-11.

"Sec. 2111. (a) General Rule.—

"(1) A proceeding for compensation under the Program for a vaccine-related injury or death shall be initiated by service upon the Secretary and the filing of a petition with the United States district court for the district in which the petitioner resides or in which the injury or death occurred.

100 STAT. 3759

"(2)(A) No person may bring a civil action for damages in an amount greater than $1,000 or in an unspecified amount against a vaccine manufacturer in a State or Federal court for damages arising from a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this subtitle, and no such court may award damages in an amount greater than $1,000 in a civil action for damages for such a vaccine-related injury or death, unless—

"(i) a petition has been filed, in accordance with section 2116, under subsection (b) for compensation under the Program for such injury or death,

"(ii) a district court of the United States has issued a judgment under section 2112 on such petition, and Courts, U.S.

"(iii) such person elects under section 2121(a) to file such an action.

"(B) If a civil action which is barred under subparagraph (A) is filed in a State or Federal court, the court shall dismiss the action. If a petition is filed under this section with respect to the injury or death for which such civil action was brought, the date such dismissed action was filed shall, for purposes of the limitations of actions prescribed by section 2116, be considered the date the petition was filed if the petition was filed within one year of the date of the dismissal of the civil action. Courts, U.S.

"(3) No vaccine manufacturer may be made a party to a civil action (other than a civil action which may be brought under paragraph (2)) for damages for a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this subtitle.

"(4) If in a civil action brought against a vaccine manufacturer before the effective date of this subtitle damages were denied for a vaccine-related injury or death or if such civil action was dismissed with prejudice, the person who brought such action may file a petition under subsection (b) for such injury or death.

"(5)(A) A plaintiff who on the effective date of this subtitle has pending a civil action for damages for a vaccine-related injury or death may, at any time within 2 years after the effective date of this title or before judgment, whichever occurs first, elect to withdraw such action without prejudice and file a petition under subsection (b) for such injury or death.

"(B) If a plaintiff who on the effective date of this subtitle had pending a civil action for damages for a vaccine-related injury or death does not withdraw the action under subparagraph (A), such person may not file a petition under subsection (b) for such injury or death.

"(6) If a person brings a civil action after the effective date of this subtitle for damages for a vaccine-related injury or death associated with the administration of a vaccine before the effective date of this subtitle, such person may not file a petition under subsection (b) for such injury or death.

"(7) If in a civil action brought against a vaccine manufacturer for a vaccine-related injury or death damages are awarded under a judgment of a court or a settlement of such action, the person who brought such action may not file a petition under subsection (b) for such injury or death.

"(b) PETITIONERS.— 100 STAT. 3760

"(1)(A) Except as provided in subparagraph (B), any person who has sustained a vaccine-related injury, the legal representative of such person if such person is a minor or is disabled, or the legal representative of any person who died as the result of the administration of a vaccine set forth in the Vaccine Injury Table may file a petition for compensation under the Program.

"(B) No person may file a petition for a vaccine-related injury or death associated with a vaccine administered before the effective date of this subtitle if compensation has been paid under this subtitle for 3500 petitions for such injuries or deaths.

"(2) Only one petition may be filed with respect to each administration of a vaccine.

"(c) PETITION CONTENT.—A petition for compensation under the Program for a vaccine-related injury or death shall contain—

"(1) an affidavit, and supporting documentation, demonstrating that the person who suffered such injury or who died—

"(A) received a vaccine set forth in the Vaccine Injury Table or, if such person did not receive such a vaccine, contracted polio, directly or indirectly, from another person who received an oral polio vaccine,

"(B)(i) if such person received a vaccine set forth in the Vaccine Injury Table—

"(I) received the vaccine in the United States or in its trust territories,

"(II) received the vaccine outside the United States or a trust territory and at the time of the vaccination such person was a citizen of the United States serving abroad as a member of the Armed Forces or otherwise as an employee of the United States or a dependent of such a citizen, or

"(III) received the vaccine outside the United States or a trust territory and the vaccine was manufactured by a vaccine manufacturer located in the United States and such person returned to the United States not later than 6 months after the date of the vaccination,

"(ii) if such person did not receive such a vaccine but contracted polio from another person who received an oral polio vaccine, was a citizen of the United States or a dependent of such a citizen,

"(C)(i) sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table in association with the vaccine referred to in subparagraph (A) or died from the administration of such vaccine, and the first symptom or manifestation of the onset or of the significant aggravation of any such illness, disability, injury, or condition or the death occurred within the time period after vaccine administration set forth in the Vaccine Injury Table, or

"(ii)(I) sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by a vaccine referred to in subparagraph (A), or

"(II) sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine referred to in subparagraph (A),

100 STAT. 3761

"(D)(i) suffered the residual effects or complications of such illness, disability, injury, or condition for more than 1 year after the administration of the vaccine, (ii) incurred unreimbursable expenses due in whole or in part to such illness, disability, injury, or condition in an amount greater than $1,000, or (iii) died from the administration of the vaccine, and

"(E) has not previously collected an award or settlement of a civil action for damages for such vaccine-related injury or death,

"(2) all available relevant medical records (including autopsy reports, if any) relating to the person who suffered such injury or who died from the administration of the vaccine and an identification of any unavailable records known to the petitioner and the reasons for their unavailability, and

"(3) appropriate assessments, evaluations, and prognoses and such other records and documents as are reasonably necessary for the determination of the amount of compensation to be paid to, or on behalf of, the person who suffered such injury or who died from the administration of the vaccine.

"COURT JURISDICTION

42 USC 300aa-12.

"SEC. 2112. (a) GENERAL RULE.—The district courts of the United States shall have jurisdiction (1) over proceedings to determine if a petitioner under section 2111 is entitled to compensation under the Program and the amount of such compensation, and (2) to issue and enforce such orders as the courts deem necessary to assure the prompt payment of any compensation awarded.

"(b) PARTIES.—

"(1) The Secretary shall be named as the respondent in all proceedings brought by the filing of a petition under section 2111(b). Except as provided in paragraph (2), no other person may intervene in any such proceeding.

Federal Register, publication.

"(2) Within 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the Federal Register. The special master designated with respect to such petition under subsection (c) shall afford all interested persons an opportunity to submit relevant, written information—

"(A) relating to the existence of the evidence described in section 2113(a)(1)(B), or

"(B) relating to any allegation in a petition with respect to the matters described in section 2111(c)(1)(C)(ii).

"(c) SPECIAL MASTERS.—

"(1) Following receipt of a petition under subsection (a), the district court of the United States in which the petition is filed shall designate a special master to carry out the functions authorized by paragraph (2).

"(2) A special master shall serve as an adjunct to the court and may—

"(A) require such evidence as may be appropriate for the preparation of proposed findings of fact and conclusions of law with respect to whether compensation is to be provided under the Program and the amount of any such compensation,

100 STAT. 3762

"(B) require the submission of such information as may be reasonable and necessary to determine if the petitioner is entitled to compensation,

"(C) require the testimony of any person and the production of any document as may be reasonable and necessary to determine if the petitioner is entitled to compensation,

"(D) conduct such hearings as may be appropriate, and

"(E) prepare and submit to the court proposed findings of fact and conclusions of law.

Information submitted to a special master in a proceeding on a petition may not be disclosed to a person who is not a party to the proceeding without the express, written consent of the person who submitted the information. There may be no discovery in a proceeding on a petition other than the discovery required under this paragraph.

"(d) ACTION BY THE COURT.—

Records.

"(1) Upon objection by the petitioner or respondent to the proposed findings of fact or conclusions of law prepared by the special master or upon the court's own motion, the court shall undertake a review of the record of the proceedings and may thereafter make a de novo determination of any matter and issue its judgment accordingly, including findings of fact and conclusions of law, or remand for further proceedings.

"(2) If no objection is filed under paragraph (1) or if the court does not choose to review the proceeding, the court shall adopt the proposed findings of fact and conclusions of law of the special master as its own and render judgment thereon.

"(3) The court shall render its judgment on any petition filed under the Program as expeditiously as practicable but not later than 365 days after the date on which the petition was filed.

"(e) Administration of Award.—The Program shall administer the payments of such compensation. The Program shall audit the payments of compensation under a judgment. A petitioner awarded compensation shall notify the Program of any changes which significantly affect the compensation to be paid.

"(f) Revision of Award.—

"(1) If the court issues a judgment awarding to a petitioner compensation described in section 2115(a)(1)(A) for unreimbursable expenses and the compensation is insufficient to meet such expenses, such petitioner may petition the court to (A) review such award, and (B) increase the award to make it sufficient to meet such expenses or amend the periodic payment schedule established under section 2115, or both.

"(2) If an audit conducted under subsection (e) discloses the improper use of compensation awarded under a judgment or the termination of a need for an item of compensation, the Program shall petition the court which awarded the compensation to make an appropriate revision in the compensation.

"(g) Appeals.—The findings of fact and conclusions of law of a district court of the United States on a petition shall be final determinations of the matters involved, except that the Secretary or any petitioner aggrieved by the findings or conclusions of the court may obtain review of the judgment of the court in the United States court of appeals for the circuit in which the court is located upon petition filed with such court of appeals.

"DETERMINATION OF ELIGIBILITY AND COMPENSATION

Courts, U.S.
Records.
42 USC 300aa-13.

"Sec. 2113. (a) General Rule.—

"(1) Compensation shall be awarded under the Program to a petitioner if the court finds on the record as a whole—

"(A) that the petitioner has demonstrated by a preponderance of the evidence the matters required in the petition by section 2111(c)(1), and

"(B) that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition.

The court may not make such a finding based on the claims of a petitioner alone, unsubstantiated by medical records or by medical opinion.

"(2) For purposes of paragraph (1), the term 'factors unrelated to the administration of the vaccine'—

"(A) does not include any idiopathic, unexplained, unknown, hypothetical, or undocumentable cause, factor, injury, illness, or condition, and

"(B) may, as documented by the petitioner's evidence or other material in the record, include infection, toxins, trauma (including birth trauma and related anoxia), or metabolic disturbances which have no known relation to the vaccine involved, but which in the particular case are shown to have been the agent or agents principally responsible for causing the petitioner's illness, disability, injury, condition, or death.

"(b) Matters To Be Considered.—

Courts, U.S.
Records.

"(1) In determining whether to award compensation to a petitioner under the Program, the court shall consider, in addition to all other relevant medical and scientific evidence contained in the record—

"(A) any diagnosis, conclusion, medical judgment, or autopsy or coroner's report which is contained in the record regarding the nature, causation, and aggravation of the petitioner's illness, disability, injury, condition, or death, and

"(B) the results of any diagnostic or evaluative test which are contained in the record and the summaries and conclusions.

Any such diagnosis, conclusion, judgment, test result, report, or summary shall not be binding on the court. In evaluating the weight to be afforded to any such diagnosis, conclusion, judgment, test result, report, or summary, the court shall consider the entire record and the course of the injury, disability, illness, or condition until the date of the judgment of the court.

"(2) The court may find the first symptom or manifestation of onset or significant aggravation of an injury, disability, illness, condition, or death described in a petition occurred within the time period described in the Vaccine Injury Table even though the occurrence of such symptom or manifestation was not recorded or was incorrectly recorded as having occurred outside such period. Such a finding may be made only upon demonstration by a preponderance of the evidence that the onset or significant aggravation of the injury, disability, illness, condition, or death described in the petition did in fact occur within the time period described in the Vaccine Injury Table.

100 STAT. 3764

"(c) Record Defined.—For purposes of this section, the term 'record' means the record established by a distict court of the United States in a proceeding on a petition filed under section 2111.

"VACCINE INJURY TABLE

42 USC 300aa-14.

"Sec. 2114. (a) Initial Table.—The following is a table of vaccines, the injuries, disabilities, illnesses, conditions, and deaths resulting from the administration of such vaccines, and the time period in which the first symptom or manifestation of onset or of the significant aggravation of such injuries, disabilities, illnesses, conditions, and deaths is to occur after vaccine administration for purposes of receiving compensation under the Program:

"VACCINE INJURY TABLE

I.	DTP; P; DTP/Polio Combination; or Any Other Vaccine Containing Whole Cell Pertussis Bacteria, Extracted or Partial Cell Bacteria, or Specific Pertussis Antigen(s).	
	Illness, disability, injury, or condition covered:	Time period for first symptom or manifestation of onset or of significant aggravation after vaccine administration:
	A. Anaphylaxis or anaphylactic shock	24 hours
	B. Encephalopathy (or encephalitis)	3 days
	C. Shock-collapse or hypotonic-hyporesponsive collapse	3 days
	D. Residual seizure disorder in accordance with subsection (c)(2)	3 days
	E. Any acute complication or sequela (including death) of an illness, disability, injury, or condition referred to above which illness, disability, injury, or condition arose within the time period prescribed	Not applicable
II.	Measles, mumps, rubella, or any vaccine containing any of the foregoing as a component; DT; Td; or Tetanus Toxoid.	
	A. Anaphylaxis or anaphylactic shock	24 hours
	B. Encephalopathy (or encephalitis)	15 days (for mumps, rubella, measles, or any vaccine containing any of the foregoing as a component). 3 days (for DT, Td, or tetanus toxoid).

	C. Residual seizure disorder in accordance with subsection (c)(2)	**15 days (for mumps, rubella, measles, or any vaccine containing any of the foregoing as a component). 3 days (for DT, Td, or tetanus toxoid).**
	D. Any acute complication or sequela (including death) of an illness, disability, injury, or condition referred to above which illness, disability, injury, or condition arose within the time period prescribed	Not applicable
III.	**Polio Vaccines (other than Inactivated Polio Vaccine).**	
	A. Paralytic polio	
	—in a non-immunodeficient recipient	30 days
	—in an immunodeficient recipient	6 months
	—in a vaccine-associated community case	Not applicable
	B. Any acute complication or sequela (including death) of an illness, disability, injury, or condition referred to above which illness, disability, injury, or condition arose within the time period prescribed	Not applicable
IV.	Inactivated Polio Vaccine.	
	A. Anaphylaxis or anaphylactic shock	24 hours
	B. Any acute complication or sequela (including death) of an illness, disability, injury, or condition referred to above which illness, disability, injury, or condition arose within the time period prescribed	Not applicable

100 STAT. 3765

"(b) QUALIFICATIONS AND AIDS TO INTERPRETATION.—The following qualifications and aids to interpretation shall apply to the Vaccine Injury Table in subsection (a):

"(1) A shock-collapse or a hypotonic-hyporesponsive collapse may be evidenced by indicia or symptoms such as decrease or loss of muscle tone, paralysis (partial or complete), hemiplegia or hemiparesis, loss of color or turning pale white or blue, unresponsiveness to environmental stimuli, depression of consciousness, loss of consciousness, prolonged sleeping with difficulty arousing, or cardiovascular or respiratory arrest.

"(2) A petitioner may be considered to have suffered a residual seizure disorder if the petitioner did not suffer a seizure or convulsion unaccompanied by fever or accompanied by a fever of less than 102 degrees Fahrenheit before the first seizure or convulsion after the administration of the vaccine involved and if—

"(A) in the case of a measles, mumps, or rubella vaccine or any combination of such vaccines, the first seizure or convulsion occurred within 15 days after administration of the vaccine and 2 or more seizures or convulsions occurred within 1 year after the administration of the vaccine which were unaccompanied by fever or accompanied by a fever of less than 102 degrees Fahrenheit, and

"(B) in the case of any other vaccine, the first seizure or convulsion occurred within 3 days after administration of the vaccine and 2 or more seizures or convulsions occurred within 1 year after the administration of the vaccine which were unaccompanied by fever or accompanied by a fever of less than 102 degrees Fahrenheit.

"(3)(A) The term 'encephalopathy' means any significant acquired abnormality of, or injury to, or impairment of function of the brain. Among the frequent manifestations of encephalopathy are focal and diffuse neurologic signs, increased intracranial pressure, or changes lasting at least 6 hours in level of consciousness, with or without convulsions. The neurological signs and symptoms of encephalopathy may be temporary with complete recovery, or may result in various degrees of permanent impairment. Signs and symptoms such as high pitched and unusual screaming, persistent unconsolable crying, and bulging fontanel are compatible with an encephalopathy, but in and of themselves are not conclusive evidence of encephalopathy. Encephalopathy usually can be documented by slow wave activity on an electroencephalogram.

"(B) If in a proceeding on a petition it is shown by a preponderance of the evidence that an encephalopathy was caused by infection, toxins, trauma, or metabolic disturbances the encephalopathy shall not be considered to be a condition set forth in the table. If at the time a judgment is entered on a petition filed under section 2111(b) for a vaccine-related injury or death it is not possible to determine the cause, by a preponderance of the evidence, of an encephalopathy, the encephalopathy shall be considered to be a condition set forth in the table. In determining whether or not an encephalopathy is a condition set forth in the table, the court shall consider the entire medical record.

"(4) For purposes of paragraphs (2) and (3), the terms 'seizure' and 'convulsion' include grand mal, petit mal, absence, myoclonic, tonic-clonic, and focal motor seizures and signs. If a provision of the table to which paragraph (1), (2), (3), or (4) applies is revised under subsection (c) or (d), such paragraph shall not apply to such provision after the effective date of the revision unless the revision specifies that such paragraph is to continue to apply.

"(c) ADMINISTRATIVE REVISION OF THE TABLE.—

Regulations.

"(1) The Secretary may promulgate regulations to modify in accordance with paragraph (3) the Vaccine Injury Table. In promulgating such regulations, the Secretary shall provide for notice and opportunity for a public hearing and at least 180 days of public comment.

"(2) Any person (including the Advisory Commission on Childhood Vaccines) may petition the Secretary to propose regulations to amend the Vaccine Injury Table. Unless clearly frivolous, or initiated by the Commission, any such petition shall be referred to the Commission for its recommendations. Following—

"(A) receipt of any recommendation of the Commission, or

Federal Register, publication.

"(B) 180 days after the date of the referral to the Commission,

whichever occurs first, the Secretary shall conduct a rulemaking proceeding on the matters proposed in the petition or publish in the Federal Register a statement of reasons for not conducting such proceeding.

"(3) A modification of the Vaccine Injury Table under paragraph (1) may add to, or delete from, the list of injuries, disabilities, illnesses, conditions, and deaths for which compensation may be provided or may change the time periods for the first symptom or manifestation of the onset or the significant aggravation of any such injury, disability, illness, condition, or death.

"(4) Any modification under paragraph (1) of the Vaccine Injury Table shall apply only with respect to petitions for compensation under the Program which are filed after the effective date of such regulation.

Regulations.

100 STAT. 3767

"(d) Role of Commission.—Except with respect to a regulation recommended by the Advisory Commission on Childhood Vaccines, the Secretary may not propose a regulation under subsection (c) or any revision thereof, unless the Secretary has first provided to the Commission a copy of the proposed regulation or revision, requested recommendations and comments by the Commission, and afforded the Commission at least 90 days to make such recommendations.

"(e) Recommendation.—The Secretary may recommend to Congress revisions of the table to change the vaccines covered by the table.

"COMPENSATION

42 USC 300aa-15.

"Sec. 2115. (a) General Rule.—Compensation awarded under the Program to a petitioner under section 2111 for a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this subtitle shall include the following:

"(1)(A) Actual unreimbursable expenses incurred from the date of the judgment awarding such expenses and reasonable projected unreimbursable expenses which—

"(i) result from the vaccine-related injury for which the petitioner seeks compensation,

"(ii) have been or will be incurred by or on behalf of the person who suffered such injury, and

"(iii)(I) have been or will be for diagnosis and medical or other remedial care determined to be reasonably necessary, or

"(II) have been or will be for rehabilitation, developmental evaluation, special education, vocational training and placement, case management services, counseling, emotional or behavioral therapy, residential and custodial care and service expenses, special equipment, related travel expenses, and facilities determined to be reasonably necessary.

The amount of unreimbursable expenses which may be recovered under this subparagraph shall be limited to the amount in excess of the amount set forth in section 2111(c)(1)(D)(ii).

"(B) Subject to section 2116(a)(2), actual unreimbursable expenses incurred before the date of the judgment awarding such expenses which—

"(i) resulted from the vaccine-related injury for which the petitioner seeks compensation,

"(ii) were incurred by or on behalf of the person who suffered such injury, and

"(iii) were for diagnosis, medical or other remedial care, rehabilitation, developmental evaluation, special education, vocational training and placement, case management services, counseling, emotional or behavioral therapy, residential and custodial care and service expenses, special equipment, related travel expenses, and facilities determined to be reasonably necessary.

The amount of unreimbursable expenses which may be recovered under this subparagraph shall be limited to the amount in excess of the amount set forth in section 2111(c)(1)(D)(ii).

"(2) In the event of a vaccine-related death, an award of $250,000 for the estate of the deceased.

"(3)(A) In the case of any person who has sustained a vaccine-

100 STAT. 3768

related injury after attaining the age of 18 and whose earning capacity is or has been impaired by reason of such person's vaccine-related injury for which compensation is to be awarded, compensation for actual and anticipated loss of earnings determined in accordance with generally recognized actuarial principles and projections.

"(B) In the case of any person who has sustained a vaccine-related injury before attaining the age of 18 and whose earning capacity is or has been impaired by reason of such person's vaccine-related injury for which compensation is to be awarded and whose vaccine-related injury is of sufficient severity to permit reasonable anticipation that such person is likely to suffer impaired earning capacity at age 18 and beyond, compensation after attaining the age of 18 for loss of earnings determined on the basis of the average gross weekly earnings of workers in the private, non-farm sector, less appropriate taxes and the average cost of a health insurance policy, as determined by the Secretary.

"(4) For actual and projected pain and suffering and emotional distress from the vaccine-related injury, an award not to exceed $250,000.

Payments for projected expenses shall be paid on a periodic basis (but no payment may be made for a period in excess of 1 year). Payments for pain and suffering and emotional distress and incurred expenses may be paid in a lump sum.

"(b) VACCINES ADMINISTERED BEFORE THE EFFECTIVE DATE.—Compensation awarded under the Program to a petitioner under section 2111 for a vaccine-related injury or death associated with the administration of a vaccine before the effective date of this subtitle shall only include the compensation described in paragraphs (1)(A) and (2) of subsection (a).

"(c) RESIDENTIAL AND CUSTODIAL CARE AND SERVICE.—The amount of any compensation for residential and custodial care and service expenses under subsection (a)(1) shall be sufficient to enable the compensated person to remain living at home.

"(d) TYPES OF COMPENSATION PROHIBITED.—Compensation awarded under the Program may not include the following:

"(1) Punitive or exemplary damages.

"(2) Except with respect to compensation payments under paragraphs (2) and (3) of subsection (a), compensation for other than the health, education, or welfare of the person who suffered the vaccine-related injury with respect to which the compensation is paid.

"(e) ATTORNEYS' FEES.—

Courts, U.S.

"(1) The judgment of a court on a petition filed under section 2111 awarding compensation shall include an amount to cover—

"(A) reasonable attorneys' fees, and

"(B) other costs,

incurred in any proceeding on such petition. If the judgment of a court on such a petition does not award compensation, the court may include in the judgment an amount to cover petitioner's reasonable attorneys' fees and other costs incurred in any proceeding on such petition if the court determines that the civil action was brought in good faith and there was a reasonable basis for the claim for which the civil action was brought.

"(2) If the petitioner, before the effective date of this title, filed a civil action for damages for any vaccine-related injury or death for which compensation may be awarded under the Program, and elected under section 2111(a)(4) to withdraw such action and to file a petition for compensation under the Program, the judgment of the court on such petition may include an amount limited to the costs and expenses incurred by the petitioner and the attorney of the petitioner before the effective date of this subtitle in preparing, filing, and prosecuting such civil action (including the reasonable value of the attorney's time if the civil action was filed under contingent fee arrangements).

100 STAT. 3769

"(3) No attorney may charge any fee for services in connection with a petition filed under section 2111 which is in addition to any amount included under paragraph (1) in a judgment on such petition.

"(f) PAYMENT OF COMPENSATION.—

"(1) Except as provided in paragraph (2), no compensation may be paid until an election has been made, or has been deemed to have been made, under section 2121(a) to receive compensation.

"(2) Compensation described in subsection (a)(1)(A)(iii) shall be paid from the date of the judgment of the district court of the United States under section 2112 awarding the compensation. Such compensation may not be paid after an election under section 2121(b) to file a civil action for damages for the vaccine-related injury or death for which such compensation was awarded.

"(3) Payments of compensation shall be exempt from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985. 2 USC 901 *et seq.*

"(f) PROGRAM NOT PRIMARILY LIABLE.—Payment of compensation under the Program shall not be made for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service (1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program, or (2) by an entity which provides health services on a prepaid basis.

"(g) LIABILITY OF HEALTH INSURANCE CARRIERS, PREPAID HEALTH PLANS, AND BENEFIT PROVIDERS.—No policy of health insurance may make payment of benefits under the policy secondary to the payment of compensation under the Program and—

"(1) no State, and

"(2) no entity which provides health services on a prepaid basis or provides health benefits,

may make the provision of health services or health benefits secondary to the payment of compensation under the Program.

"LIMITATIONS OF ACTIONS

42 USC 300aa-16.

"SEC. 2116. (a) GENERAL RULE.—In the case of—

"(1) a vaccine set forth in the Vaccine Injury Table which is administered before the effective date of this title, if a vaccine-related injury or death occurred as a result of the administration of such vaccine, no petition may be filed for compensation under the Program for such injury or death after the expiration of 24 months after the effective date of this title,

"(2) a vaccine set forth in the Vaccine Injury Table which is administered after the effective date of this title, if a vaccine-related injury occurred as a result of the administration of such vaccine, no petition may be filed for compensation under the Program for such injury after the expiration of 36 months after the date of the occurrence of the first symptom or manifestation of onset or of the significant aggravation of such injury, and

100 STAT. 3770

"(3) a vaccine set forth in the Vaccine Injury Table which is administered after the effective date of this title, if a death occurred as a result of the administration of such vaccine, no petition may be filed for compensation under the Program for such death after the expiration of 24 months from the date of the death and no such petition may be filed more than 48 months after the date of the occurrence of the first symptom or manifestation of onset or of the significant aggravation of the injury from which the death resulted.

"(b) EFFECT OF REVISED TABLE.—If at any time the Vaccine Injury Table is revised and the effect of such revision is to permit an individual who was not, before such revision, eligible to seek compensation under the Program, such person may file a petition for such compensation not later than 2 years after the effective date of the revision, except that no compensation may be provided under the Program with respect to a vaccine-related injury or death covered under the revision of the table if—

"(1) the vaccine-related death occurred more than 8 years before the date of the revision of the table, or

"(2) the vaccine-related injury occurred more than 8 years before the date of the revision of the table.

"(c) State Limitations of Actions.—If a petition is filed under section 2111(b) for a vaccine-related injury or death, limitations of actions under State law shall be stayed with respect to a civil action brought for such injury or death for the period beginning on the date the petition is filed and ending on the date a final judgment is entered on the petition.

"SUBROGRATION

42 USC 300aa-17.

"Sec. 2117. (a) General Rule.—

"(1) Upon payment of compensation to any petitioner under the Program, the trust fund which has been established to provide such compensation shall be subrograted to all rights of the petitioner with respect to the vaccine-related injury or death for which compensation was paid, except that the trust fund may not recover under such rights an amount greater than the amount of compensation paid to the petitioner.

Courts, U.S. Records. Claims.

"(2) In any case in which it deems such action appropriate, a district court of the United States may, after entry of a final judgment providing for compensation to be paid under section 2115 for a vaccine-related injury or death, refer the record of such proceeding to the Secretary and the Attorney General with such recommendation as the court deems appropriate with respect to the investigation or commencement of a civil action by the Secretary under paragraph (1).

"(b) Disposition of Amounts Recovered.—Amounts recovered under subsection (a) shall be collected on behalf of, and deposited in, the trust fund which has been established to provide compensation under the Program.

"INCREASE FOR INFLATION

Effective date. 42 USC 300aa-18.

"Sec. 2118. The compensation under subsections (a)(2) and (a)(4) of section 2115 and the civil penalty under section 2127(b) shall, effective December 1 of each year beginning 1 year after the effective date of this title, be increased by the percent change in the Consumer Price Index for the base quarter of such year over the Consumer Price Index for the base quarter of the preceding year, adjusted to the nearest 1/10 of 1 percent. For purposes of this section, the term 'base quarter', as used with respect to a year, means the calendar quarter ending on September 30 of such year and the price index for a base quarter is the arithmetical mean of such index for the 3 months comprising such quarter.

"ADVISORY COMMISSION ON CHILDHOOD VACCINES

42 USC 300aa-19.

"Sec. 2119. (a) Establishment.—There is established the Advisory Commission on Childhood Vaccines. The Commission shall be composed of:

"(1) Nine members appointed by the Secretary as follows:

"(A) Three members who are health professionals, who are not employees of the United States, and who have expertise in the health care of children, the epidemiology, etiology, and prevention of childhood diseases, and the adverse reactions associated with vaccines, of whom at least two shall be pediatricians.

"(B) Three members from the general public, of whom at least two shall be legal representatives of children who have suffered a vaccine-related injury or death.

"(C) Three members who are attorneys, of whom at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death and of whom one shall be an attorney whose specialty includes representation of vaccine manufacturers.

"(2) The Director of the National Institutes of Health, the Assistant Secretary for Health, the Director of the Centers for Disease Control, and the Commissioner of Food and Drugs (or the designees of such officials), each of whom shall be a nonvoting ex officio member.

The Secretary shall select members of the Commission within 90 days of the effective date of this subtitle. The members of the Commission shall select a Chair from among the members.

"(b) TERM OF OFFICE.—Appointed members of the Commission shall be appointed for a term of office of 3 years, except that of the members first appointed, 3 shall be appointed for a term of 1 year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years, as determined by the Secretary.

"(c) MEETINGS.—The Commission shall first meet within 60 days after all members of the Commission are appointed, and thereafter shall meet not less often than four times per year and at the call of the chair. A quorum for purposes of a meeting is 5. A decision at a meeting is to be made by a ballot of a majority of the voting members of the Commission.

"(d) COMPENSATION.—Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that

100 STAT. 3772

received in their regular public employment. Members of the Commission who are not officers or employees of the Federal Government shall be compensated at a rate not to exceed the daily equivalent of the rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Commission. All members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for employees serving intermittently.

5 USC 5332.

"(e) STAFF.—The Secretary shall provide the Commission with such professional and clerical staff, such information, and the services of such consultants as may be necessary to assist the Commission in carrying out effectively its functions under this section.

"(f) FUNCTIONS.—The Commission shall—

"(1) advise the Secretary on the implementation of the Program,

"(2) on its own initiative or as the result of the filing of a petition, recommend changes in the Vaccine Injury Table,

"(3) advise the Secretary in implementing the Secretary's responsibilities under section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions,

"(4) survey Federal, State, and local programs and activities relating to the gathering of information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b), and advise the Secretary on means to obtain, compile, publish, and use credible data related to the frequency and severity of adverse reactions associated with childhood vaccines, and

"(5) recommend to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out this subtitle.

"PART B—ADDITIONAL REMEDIES

"AUTHORITY TO BRING ACTIONS

42 USC 300aa-21.

"SEC. 2121. (a) ELECTION.—After the judgment of a district court of the United States under section 2111 on a petition filed for compensation under the Program for a vaccine-related injury or death has become final, the person who filed the petition shall file with the court—

"(1) if the judgment awarded compensation, an election in writing to receive the compensation or to file a civil action for damages for such injury or death, or

"(2) if the judgment did not award compensation, an election in writing to accept the judgment or to file a civil action for damages for such injury or death.

An election shall be filed under this subsection not later than 90 days after the date of the entry of the court's judgment with respect to which the election is to be made. If a person required to file an election with a court under this subsection does not file the election within the time prescribed for filing the election, such person shall be deemed to have filed an election to accept the judgment of the court. If a person elects to receive compensation under a judgment of a court or is deemed to have accepted the judgment of a court, such person may not bring or maintain a civil action for damages against a vaccine manufacturer for the vaccine-related injury or death for which the judgment was entered.

100 STAT. 3773

"(b) Limitations of Actions.—A civil action for damages arising from a vaccine-related injury or death for which a petition was filed under section 2111 shall, except as provided in section 2116(c), be brought within the period prescribed by limitations of actions under State law applicable to such civil action.

State and local governments.

"STANDARDS OF RESPONSIBILITY

"Sec. 2122. (a) General Rule.—Except as provided in subsections (b), (c), and (e) State law shall apply to a civil action brought for damages for a vaccine-related injury or death.

State and local governments.
Claims.
42 USC 300aa-22.

"(b) Unavoidable Adverse Side Effects; Warnings.—

"(1) No vaccine manufacturer shall be liable in a civil action for damages arising from a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this subtitle if the injury or death resulted from side effects that were unavoidable even though the vaccine was properly prepared and was accompanied by proper directions and warnings.

"(2) For purposes of paragraph (1), a vaccine shall be presumed to be accompanied by proper directions and warnings if the vaccine manufacturer shows that it complied in all material respects with all requirements under the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act (including regulations issued under such provisions) applicable to the vaccine and related to vaccine-related injury or death for which the civil action was brought unless the plaintiff shows—

21 USC 301 note
42 USC 262.

"(A) that the manufacturer engaged in the conduct set forth in subparagraph (A) or (B) of section 2123(d)(2), or

"(B) by clear and convincing evidence that the manufacturer failed to exercise due care notwithstanding its compliance with such Act and section (and regulations issued under such provisions).

"(c) Direct Warnings.—No vaccine manufacturer shall be liable in a civil action for damages arising from a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this subtitle solely due to the manufacturer's failure to provide direct warnings to the injured party (or the injured party's legal representative) of the potential dangers resulting from the administration of the vaccine manufactured by the manufacturer.

"(d) Construction.—The standards of responsibility prescribed by this section are not to be construed as authorizing a person who brought a civil action for damages against a vaccine manufacturer for a vaccine-related injury or death in which damages were denied or which was dismissed with prejudice to bring a new civil action against such manufacturer for such injury or death.

State and local governments.

"(e) PREEMPTION.—No State may establish or enforce a law which prohibits an individual from bringing a civil action against a vaccine manufacturer for damages for a vaccine-related injury or death if such civil action is not barred by this subtitle.

"TRIAL

42 USC 300aa-23.

"SEC. 2123. (a) GENERAL RULE.—A civil action against a vaccine manufacturer for damages for a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this subtitle which is not barred by section 2111(a)(2) shall be tried in three stages.

"(b) LIABILITY.—The first stage of such a civil action shall be held to determine if a vaccine manufacturer is liable under section 2122.

"(c) GENERAL DAMAGES.—The second stage of such a civil action shall be held to determine the amount of damages (other than punitive damages) a vaccine manufacturer found to be liable under section 2122 shall be required to pay.

"(d) PUNITIVE DAMAGES.—

"(1) If sought by the plaintiff, the third stage of such an action shall be held to determine the amount of punitive damages a vaccine manufacturer found to be liable under section 2122 shall be required to pay.

Fraud.

21 USC 301 note.
42 USC 201 note.

"(2) If in such an action the manufacturer shows that it complied, in all material respects, with all requirements under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act applicable to the vaccine and related to the vaccine injury or death with respect to which the action was brought, the manufacturer shall not be held liable for punitive damages unless the manufacturer engaged in—

"(A) fraud or intentional and wrongful withholding of information from the Secretary during any phase of a proceeding for approval of the vaccine under section 351,

42 USC 262.
Safety.

"(B) intentional and wrongful withholding of information relating to the safety or efficacy of the vaccine after its approval, or

Safety.

"(C) other criminal or illegal activity relating to the safety and effectiveness of vaccines,

which activity related to the vaccine-related injury or death for which the civil action was brought.

"(e) EVIDENCE.—In any stage of a civil action, the Vaccine Injury Table, any finding of a district court of the United States or a master appointed by such court in a proceeding on a petition filed under section 2111 and the final judgment of a district court of the United States on such a petition shall not be admissible.

"PART C—ASSURING A SAFER CHILDHOOD VACCINATION PROGRAM IN THE UNITED STATES

"RECORDING AND REPORTING OF INFORMATION

42 USC 300aa-25.

"SEC. 2125. (a) GENERAL RULE.—Each health care provider who administers a vaccine set forth in the Vaccine Injury Table to any person shall record, or ensure that there is recorded, in such person's permanent medical record (or in a permanent office log or file to which a legal representative shall have access upon request) with respect to each such vaccine—

"(1) the date of administration of the vaccine,

"(2) the vaccine manufacturer and lot number of the vaccine,

"(3) the name and address and, if appropriate, the title of the health care provider administering the vaccine, and

100 STAT. 3775

"(4) any other identifying information on the vaccine required pursuant to regulations promulgated by the Secretary.

"(b) REPORTING.—

"(1) Each health care provider and vaccine manufacturer shall report to the Secretary—

"(A) the occurrence of any event set forth in the Vaccine Injury Table, including the events set forth in section 2114(b) which occur within 7 days of the administration of any vaccine set forth in the Table or within such longer period as is specified in the Table or section,

"(B) the occurrence of any contraindicating reaction to a vaccine which is specified in the manufacturer's package insert, and

"(C) such other matters as the Secretary may by regulation require.

Reports of the matters referred to in subparagraphs (A) and (B) shall be made beginning 90 days after the effective date of this subtitle. The Secretary shall publish in the Federal Register as soon as practicable after such date a notice of the reporting requirement.

Federal Register, publication.

"(2) A report under paragraph (1) respecting a vaccine shall include the time periods after the administration of such vaccine within which vaccine-related illnesses, disabilities, injuries, or conditions, the symptoms and manifestations of such illnesses, disabilities, injuries, or conditions, or deaths occur, and the manufacturer and lot number of the vaccine.

"(3) The Secretary shall issue the regulations referred to in paragraph (1)(C) within 180 days of the effective date of this subtitle.

Regulations.

"(c) RELEASE OF INFORMATION.—

"(1) Information which is in the possession of the Federal Government and State and local governments under this section and which may identify an individual shall not be made available under section 552 of title 5, United States Code, or otherwise, to any person except—

State and local governments.

"(A) the person who received the vaccine, or

"(B) the legal representative of such person.

"(2) For purposes of paragraph (1), the term 'information which may identify an individual' shall be limited to the name, street address, and telephone number of the person who received the vaccine and of that person's legal representative and the medical records of such person relating to the administration of the vaccine, and shall not include the locality and State of vaccine administration, the name of the health care provider who administered the vaccine, the date of the vaccination, or information concerning any reported illness, disability, injury, or condition resulting from the administration of the vaccine, any symptom or manifestation of such illness, disability, injury, or condition, or death resulting from the administration of the vaccine.

"(3) Except as provided in paragraph (1), all information reported under this section shall be available to the public.

Public information.

"VACCINE INFORMATION

"SEC. 2126. (a) GENERAL RULE.—Not later than 1 year after the effective date of this subtitle, the Secretary shall develop and disseminate vaccine information materials for distribution by health care providers to the legal representatives of any child receiving a vaccine set forth in the Vaccine Injury Table. Such materials shall be published in the Federal Register and may be revised.

42 USC 300aa-26.

100 STAT. 3776

Federal Register, publication.

"(b) DEVELOPMENT AND REVISION OF MATERIALS.—Such materials shall be developed or revised by rule—

"(1) after notice to the public, opportunity for a public hearing, and 90 days of comment thereon, and

"(2) in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care providers and parent organizations, the Centers for Disease Control, and the Food and Drug Administration.

"(c) INFORMATION REQUIREMENTS.—The information in such materials shall be presented in understandable terms and shall include—

"(1) the frequency, severity, and potential long-term effects of the disease to be prevented by the vaccine,

"(2) the symptoms or reactions to the vaccine which, if they occur, should be brought to the immediate attention of the health care provider,

"(3) precautionary measures legal representatives should take to reduce the risk of any major adverse reactions to the vaccine that may occur,

"(4) early warning signs or symptoms to which legal representatives should be alert as possible precursors to such major adverse reactions,

"(5) a description of the manner in which legal representatives should monitor such major adverse reactions, including a form on which reactions can be recorded to assist legal representatives in reporting information to appropriate authorities,

"(6) a specification of when, how, and to whom legal representatives should report any major adverse reaction,

"(7) the contraindications to (and bases for delay of) the administration of the vaccine,

"(8) an identification of the groups, categories, or characteristics of potential recipients of the vaccine who may be at significantly higher risk of major adverse reaction to the vaccine than the general population,

"(9) a summary of relevant State and Federal laws concerning the vaccine, including information on—

"(A) the number of vaccinations required for school attendance and the schedule recommended for such vaccinations, and

"(B) the availability of the Program, and

"(10) such other relevant information as may be determined by the Secretary.

"(d) HEALTH CARE PROVIDER DUTIES.—On and after a date determined by the Secretary which is—

"(1) after the Secretary develops the information materials required by subsection (a), and

"(2) not later than 6 months after the date such materials are published in the Federal Register,

each health care provider who administers a vaccine set forth in the Vaccine Injury Table shall provide to the legal representatives of any child to whom such provider intends to administer such vaccine a copy of the information materials developed pursuant to subsection (a), or other written information which meets the requirements of this section. Such materials or other information shall be provided prior to the administration of such vaccine.

100 STAT. 3777

"MANDATE FOR SAFER CHILDHOOD VACCINES

42 USC 300aa-27.

"SEC. 2127. (a) GENERAL RULE.—In the administration of this subtitle and other pertinent laws under the jurisdiction of the Secretary, the Secretary shall—

"(1) promote the development of childhood vaccines that result in fewer and less serious adverse reactions than those vaccines on the market on the effective date of this subtitle and promote the refinement of such vaccines, and

"(2) make or assure improvements in, and otherwise use the authorities of the Secretary with respect to, the licensing, manufacturing, processing, testing, labeling, warning, use instructions, distribution, storage, administration, field surveillance, adverse reaction reporting, and recall of reactogenic lots or batches, of vaccines, and research on vaccines, in order to reduce the risks of adverse reactions to vaccines.

"(b) REPORT.—Within 2 years after the effective date of this subtitle, and periodically thereafter, the Secretary shall prepare and transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the actions taken pursuant to subsection (a) during the preceding 2-year period.

"MANUFACTURER RECORDKEEPING AND REPORTING

State and local governments.
42 USC 300aa-28.

"SEC. 2128. (a) GENERAL RULE.—Each vaccine manufacturer of a vaccine set forth in the Vaccine Injury Table or any other vaccine the administration of which is mandated by the law or regulations of any State, shall, with respect to each batch, lot, or other quantity manufactured or licensed after the effective date of this subtitle—

"(1) prepare and maintain records documenting the history of the manufacturing, processing, testing, repooling, and reworking of each batch, lot, or other quantity of such vaccine, including the identification of any significant problems encountered in the production, testing, or handling of such batch, lot, or other quantity,

Safety.

"(2) if a safety test on such batch, lot, or other quantity indicates a potential imminent or substantial public health hazard is presented, report to the Secretary within 24 hours of such safety test which the manufacturer (or manufacturer's representative) conducted, including the date of the test, the type of vaccine tested, the identity of the batch, lot, or other quantity tested, whether the batch, lot, or other quantity tested is the product of repooling or reworking of previous batches, lots, or other quantities (and, if so, the identity of the previous batches, lots, or other quantities which were repooled or reworked), the complete test results, and the name and address of the person responsible for conducting the test,

"(3) include with each such report a certification signed by a responsible corporate official that such report is true and complete, and

"(4) prepare, maintain, and upon request submit to the Secretary product distribution records for each such vaccine by batch, lot, or other quantity number.

100 STAT. 3778

Fraud.

"(b) SANCTION.—Any vaccine manufacturer who intentionally destroys, alters, falsifies, or conceals any record or report required under paragraph (1) or (2) of subsection (a) shall—

"(1) be subject to a civil penalty of up to $100,000 per occurrence, or

"(2) be fined $50,000 or imprisoned for not more than 1 year, or both.

Such penalty shall apply to the person who intentionally destroyed, altered, falsified, or concealed such record or report, to the person who directed that such record or report be destroyed, altered, falsified, or concealed, and to the vaccine manufacturer for which such person is an agent, employee, or representative. Each act of destruction, alteration, falsification, or concealment shall be treated as a separate occurrence.

"PART D—GENERAL PROVISIONS

"CITIZEN'S ACTIONS

42 USC 300aa-31.

"SEC. 2131. (a) GENERAL RULE.—Except as provided in subsection (b), any person may commence in a district court of the United States a civil action on such person's own behalf against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this subtitle.

"(b) NOTICE.—No action may be commenced under subsection (a) before the date which is 60 days after the person bringing the action has given written notice of intent to commence such action to the Secretary.

Courts, U.S.

"(c) COSTS OF LITIGATION.—The court, in issuing any final order in any action under this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

"JUDICIAL REVIEW

Regulations.
42 USC 300aa-32.

"SEC. 2132. A petition for review of a regulation under this subtitle may be filed in a court of appeals of the United States within 60 days from the date of the promulgation of the regulation or after such date if such petition is based solely on grounds arising after such 60th day.

"DEFINITIONS

42 USC 300aa-33.

"SEC. 2133. For purposes of this subtitle:

"(1) The term 'health care provider' means any licensed health care professional, organization, or institution, whether public or private (including Federal, State, and local departments, agencies, and instrumentalities) under whose authority a vaccine set forth in the Vaccine Injury Table is administered.

"(2) The term 'legal representative' means a parent or an individual who qualifies as a legal guardian under State law.

"(3) The term 'manufacturer' means any corporation, organization, or institution, whether public or private (including Federal, State, and local departments, agencies, and instrumentalities), which manufactures, imports, processes, or distributes under its label any vaccine set forth in the Vaccine Injury Table, except that, for purposes of section 2128, such term shall include the manufacturer of any other vaccine covered by that section. The term 'manufacture' means to manufacture, import, process, or distribute a vaccine.

100 STAT. 3779

"(4) The term 'significant aggravation' means any change for the worse in a preexisting condition which results in markedly greater disability, pain, or illness accompanied by substantial deterioration of health.

"(5) The term 'vaccine-related injury or death' means an illness, injury, condition, or death associated with one or more of the vaccines set forth in the Vaccine Injury Table, except that the term does not include an illness, injury, condition, or death associated with an adulterant or contaminant intentionally added to such a vaccine.

"(6)(A) The term 'Advisory Commission on Childhood Vaccines' means the Commission established under section 2119.

Ante, p. 3764.

"(B) The term 'Vaccine Injury Table' means the table set out in section 2114.".

(b) CONFORMING AMENDMENTS.—

42 USC 218, 286, 289f.

(1) Sections 217(c), 465(f), and 497 of the Public Health Service Act (42 U.S.C. 218(c), 286(f), 289(f)) are each amended by striking out "2101" and inserting in lieu thereof "2301".

(2) Section 305(h) of such Act (42 U.S.C. 242c(h)) is amended by striking out "2113" each place it occurs and inserting in lieu thereof "2313".

SEC. 312. RELATED STUDIES.

42 USC 300aa-1 note.

(a) REVIEW OF PERTUSSIS VACCINES AND RELATED ILLNESSES AND CONDITIONS.—Not later than 3 years after the effective date of this title, the Secretary of Health and Human Services shall complete a review of all relevant medical and scientific information (including information obtained from the studies required under subsection (e)) on the nature, circumstances, and extent of the relationship, if any, between vaccines containing pertussis (including whole cell, extracts, and specific antigens) and the following illnesses and conditions:

(1) Hemolytic anemia.
(2) Hypsarrhythmia.
(3) Infantile spasms.
(4) Reye's syndrome.
(5) Peripheral mononeuropathy.
(6) Deaths classified as sudden infant death syndrome.
(7) Aseptic meningitis.
(8) Juvenile diabetes.
(9) Autism.
(10) Learning disabilities.
(11) Hyperactivity.
(12) Such other illnesses and conditions as the Secretary may choose to review or as the Advisory Commission on Childhood Vaccines established under section 2119 of the Public Health Service Act recommends for inclusion in such review.

Ante, p. 3771.

The review under this subsection shall include notice and opportunity for a public hearing, consideration of written information submitted by the public, and consultation with such Advisory Commission.

Federal Register, publication.

(b) FINDINGS WITH RESPECT TO PERTUSSIS.—Not later than 3 years after the effective date of this title, the Secretary shall make, and publish in the Federal Register, the following specific findings:

100 STAT. 3780

(1) Whether each of the illnesses or conditions set forth in subsection (a) can reasonably be determined in some circumstances to be caused or significantly aggravated, by pertussis-containing vaccines.

(2) For each illness or condition for which a finding of causation or aggravation related to vaccines containing pertussis is made under paragraph (1), the circumstances under which such causation or aggravation can reasonably be determined to occur.

(3) For each illness or condition for which a finding of causation or aggravation related to vaccines containing pertussis is made under paragraph (1), and for each illness or condition set forth in the Vaccine Injury Table under section 2114 of the Public Health Service Act, the time periods within which the first symptom or manifestation of onset or aggravation of each such illness or condition can reasonably be determined to occur after pertussis vaccination.

Ante, p. 3764.

Regulations.

(c) REVISION OF TABLE WITH RESPECT TO PERTUSSIS VACCINES.—At the same time the Secretary publishes in the Federal Register findings under subsection (b), the Secretary shall propose regulations to amend the Vaccine Injury Table under section 2114 of the Public Health Service Act as a result of such findings. Not later than 42 months after the effective date of this title, the Secretary shall promulgate such proposed regulations with such modifications as may be necessary after opportunity for public hearing.

(d) REVIEW OF MMR VACCINES AND RELATED ILLNESSES AND CONDITIONS.—Not later than 3 years after the effective date of this title, the Secretary of Health and Human Services shall complete a review similar to the review conducted under subsection (a) with respect to the potential relationship between vaccines containing rubella (including MMR) and radiculoneuritis. The review under this subsection shall include notice and opportunity for a public hearing, consultation with the Advisory Commission on Childhood Vaccines and consideration of written information submitted by the public. Not later than 3 years after the effective date of this title, the Secretary shall make and publish in the Federal Register findings similar to those required by subsection (b) and shall, if appropriate, propose similar regulations (and thereafter promulgate such regulations) to those required by subsection (c), with respect to compensation under the National Vaccine Injury Compensation

Federal Register, publication.

Ante, p. 3758.

Program established under section 2110 of the Public Health Service Act for radiculoneuritis caused, contributed to, or significantly aggravated by vaccines containing rubella.

(e) Pertussis and MMR Studies.—

(1) In order to assist the Secretary in making the findings required under subsections (b) and (d), the Secretary shall, in accordance with subparagraph (B), arrange for the conduct of studies of—

(A) the relationship between vaccines containing pertussis (including whole cell, extracts, and specific antigens) and the illnesses or conditions set forth in paragraphs (1) through (11) of subsection (a),

(B) the relationship between vaccines containing pertussis and any other illnesses and conditions, as selected by the Secretary or the Advisory Commission on Childhood Vaccines established under section 2119 of the Public Health Service Act, and

Ante, p. 3771.

100 STAT. 3781

(C) the relationship between vaccines containing rubella (including MMR) and radiculoneuritis.

(2)(A) The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct the studies required by paragraph (1) under an arrangement by which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary.

Reports.

(B) If the Institute of Medicine is unwilling to conduct such study under such an arrangement, the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in paragraph (3).

(C) The Institute of Medicine or other group or association conducting the studies required by paragraph (1) shall conduct such studies in consultation with the Advisory Commission on Childhood Vaccines established under section 2119 of the Public Health Service Act.

Ante, p. 3771.

Reports.
Public information.

(3) Reports on the results of the studies required by paragraph (1) shall be completed and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate and to the Secretary not later than 32 months after the effective date of this title. Upon submission to the Secretary, the reports shall be made available to the public.

Appropriation authorization.

(4) There are authorized to be appropriated such sums as are necessary for the purpose of making payments for the conduct of the studies required under this subsection.

(f) Definitions.—For purposes of this section:

(1) The term "medical and scientific information" includes epidemiologic, clinical, biostatistical, pathological, toxicologic, and other laboratory data and case study information, observations, studies, and reports in peer-reviewed literature or official Government publications, as well as relevant unpublished information, data, studies, and observations.

(2) The term "MMR" means a vaccine containing material intended to prevent or confer immunity against measles, mumps, and rubella disease.

SEC. 313. STUDY OF OTHER VACCINE RISKS.

42 USC 300aa–1 note.

(a) Study.—

(1) Not later than 3 years after the effective date of this title, the Secretary shall, after consultation with the Advisory Commission on Childhood Vaccines established under section 2119 of the Public Health Service Act—

(A) arrange for a broad study of the risks (other than the risks considered under section 102) to children associated with each vaccine set forth in the Vaccine Injury Table under section 2114 of such Act, and

Ante, p. 3764.

(B) establish guidelines, after notice and opportunity for public hearing and consideration of all relevant medical and scientific information, respecting the administration of such vaccines which shall include—

(i) the circumstances under which any such vaccine should not be administered,

100 STAT. 3782

(ii) the circumstances under which administration of any such vaccine should be delayed beyond its usual time of administration, and

(iii) the groups, categories, or characteristics of potential recipients of such vaccine who may be at significantly higher risk of major adverse reactions to such vaccine than the general population of potential recipients.

(2)(A) The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct the study required by paragraph (1) under an arrangement by which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary.

(B) If the Institute of Medicine is unwilling to conduct such study under such an arrangement, the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study.

(C) The Institute of Medicine or other group or association conducting the study required by paragraph (1) shall conduct such studies in consultation with the Advisory Commission on Childhood Vaccines established under section 2119 of the Public Health Service Act.

Ante, p. 3771.
Federal Register, publication.

(b) Revision of Guidelines.—The Secretary shall periodically, but at least every 3 years after establishing guidelines under subsection (a), review and revise such guidelines after notice and opportunity for public hearing and consideration of all relevant medical and scientific information, unless the Secretary finds that on the basis of all relevant information no revision of such guidelines is warranted and publishes such finding in the Federal Register.

(c) Factors Affecting Guidelines.—Guidelines under subsection (a) shall take into account—

(1) the risk to potential recipients of the vaccines with respect to which the guidelines are established,

(2) the medical and other characteristics of such potential recipients, and

(3) the risks to the public of not having such vaccines administered.

Physicians.
Hospitals.
Nurses.
State and local governments.

(d) Dissemination.—The Secretary shall widely disseminate the guidelines established under subsection (a) to—

(1) physicians and other health care providers,
(2) professional health associations,
(3) State and local governments and agencies, and
(4) other relevant entities.

SEC. 314. REVIEW OF WARNINGS, USE INSTRUCTIONS, AND PRECAUTIONARY INFORMATION.

42 USC 300aa-1 note.

Not later than 1 year after the effective date of this title and after consultation with the Advisory Commission on Childhood Vaccines established under section 2119 of the Public Health Service Act and with other appropriate entities, the Secretary of Health and Human Services shall review the warnings, use instructions, and precautionary information presently issued by manufacturers of vaccines set forth in the Vaccine Injury Table set out in section 2114 of the Public Health Service Act and shall by rule determine whether such warnings, instructions, and information adequately warn health care providers of the nature and extent of dangers posed by such

Ante, p. 3764.

100 STAT. 3783 vaccines. If the Secretary determines that any such warning, instruction, or information is inadequate for such purpose in any respect, the Secretary shall at the same time require the manufacturers to revise and reissue such warning, instruction, or information as expeditiously as practical, but not later than 18 months after the effective date of this title.

SEC. 315. RECALL AUTHORITY.

Ante, p. 3751.

Subsection (d) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) by inserting "(1)" after "(d)", and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Upon a determination that a batch, lot, or other quantity of a product licensed under this section presents an imminent or substantial hazard to the public health, the Secretary shall issue an order immediately ordering the recall of such batch, lot, or other quantity of such product. An order under this paragraph shall be issued in accordance with section 554 of title 5, United States Code.

Law enforcement and crime.

"(B) Any violation of subparagraph (A) shall subject the violator to a civil penalty of up to $100,000 per day of violation. The amount of a civil penalty under this subparagraph shall, effective December 1 of each year beginning 1 year after the effective date of this subparagraph, be increased by the percent change in the Consumer Price Index for the base quarter of such year over the Consumer Price Index for the base quarter of the preceding year, adjusted to the nearest 1/10 of 1 percent. For purposes of this subparagraph, the term 'base quarter', as used with respect to a year, means the calendar quarter ending on September 30 of such year and the price index for a base quarter is the arithmetical mean of such index for the 3 months comprising such quarter.".

42 USC 300aa–4 note.

SEC. 316. STUDY OF IMPACT ON SUPPLY OF VACCINES.

On June 30, 1987, and on June 30 of each second year thereafter, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

Ante, p. 3764.

(1) an assessment of the impact of the amendments made by this title on the supply of vaccines listed in the Vaccine Injury Table under section 2114 of the Public Health Service Act, and

(2) an assessment of the ability of the administrators of vaccines (including public clinics and private administrators) to provide such vaccines to children.

PART B—MISCELLANEOUS

44 USC 3501 *et seq.*
42 USC 300aa–1 note.

SEC. 321. WAIVER OF PAPERWORK REDUCTION.

Chapter 35 of title 44, United States Code, shall not apply to information required for purposes of carrying out this title and implementing the amendments made by this title.

42 USC 300aa–1 note.

SEC. 322. NONSEVERABILITY.

If any provision of this title or the application of any provision of this title to any person or circumstance is held invalid by reason of a violation of the Constitution, the entire title shall be considered invalid.

100 STAT. 3784

42 USC 300aa–1 note.

SEC. 323. EFFECTIVE DATE.

Ante, p. 3756.
Ante, p. 3758.

(a) General Rule.—Subtitle 1 of title XXI of the Public Health Service Act shall take effect on the date of the enactment of this Act and Subtitle 2 of such title and this title shall take effect on the effective date of a tax enacted after the date of the enactment of this Act to provide funds for compensation paid under such subtitle 2.

Claims.

(b) Insufficiency of Funds.—If at any time there are insufficient funds to pay all of the claims payable under subtitle 2 of title XXI of the Public Health Service Act for 180 days, such subtitle shall cease to be in effect until sufficient funds to pay all of the claims under such subtitle become available.

TITLE IV—ENCOURAGING GOOD FAITH PROFESSIONAL REVIEW ACTIVITIES

Health Care Quality Improvement Act of 1986.

SEC. 401. SHORT TITLE.

42 USC 11101 note.

This title may be cited as the "Health Care Quality Improvement Act of 1986".

SEC. 402. FINDINGS.

42 USC 11101.

The Congress finds the following:

(1) The increasing occurrence of medical malpractice and the need to improve the quality of medical care have become nationwide problems that warrant greater efforts than those that can be undertaken by any individual State.

(2) There is a national need to restrict the ability of incompetent physicians to move from State to State without disclosure or discovery of the physician's previous damaging or incompetent performance.

(3) This nationwide problem can be remedied through effective professional peer review.

(4) The threat of private money damage liability under Federal laws, including treble damage liability under Federal antitrust law, unreasonably discourages physicians from participating in effective professional peer review.

(5) There is an overriding national need to provide incentive and protection for physicians engaging in effective professional peer review.

PART A—PROMOTION OF PROFESSIONAL REVIEW ACTIVITIES

SEC. 411. PROFESSIONAL REVIEW.

42 USC 11111.

(a) In General.—

State and local governments.

(1) Limitation on damages for professional review actions.—If a professional review action (as defined in section 431(9)) of a professional review body meets all the standards specified in section 412(a), except as provided in subsection (b)—

(A) the professional review body,

(B) any person acting as a member or staff to the body,

(C) any person under a contract or other formal agreement with the body, and

(D) any person who participates with or assists the body with respect to the action,

shall not be liable in damages under any law of the United States or of any State (or political subdivision thereof) with respect to the action. The preceding sentence shall not apply to damages under any law of the United States or any State relating to the civil rights of any person or persons, including the Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq. and the Civil Rights Acts, 42 U.S.C. 1981, et seq. Nothing in this paragraph shall prevent the United States or any Attorney General of a State from bringing an action, including an action under section 4C of the Clayton Act, 15 U.S.C. 15C, where such an action is otherwise authorized.

Physicians.

(2) Protection for those providing information to professional review bodies.—Notwithstanding any other provision of law, no person (whether as a witness or otherwise) providing information to a professional review body regarding the competence or professional conduct of a physician shall be held, by

reason of having provided such information, to be liable in damages under any law of the United States or of any State (or political subdivision thereof) unless such information is false and the person providing it knew that such information was false.

Federal Register, publication.

(b) EXCEPTION.—If the Secretary has reason to believe that a health care entity has failed to report information in accordance with section 423(a), the Secretary shall conduct an investigation. If, after providing notice of noncompliance, an opportunity to correct the noncompliance, and an opportunity for a hearing, the Secretary determines that a health care entity has failed substantially to report information in accordance with section 423(a), the Secretary shall publish the name of the entity in the Federal Register. The protections of subsection (a)(1) shall not apply to an entity the name of which is published in the Federal Register under the previous sentence with respect to professional review actions of the entity commenced during the 3-year period beginning 30 days after the date of publication of the name.

(c) TREATMENT UNDER STATE LAWS.—

(1) PROFESSIONAL REVIEW ACTIONS TAKEN ON OR AFTER OCTOBER 14, 1989.—Except as provided in paragraph (2), subsection (a) shall apply to State laws in a State only for professional review actions commenced on or after October 14, 1989.

(2) EXCEPTIONS.—

(A) STATE EARLY OPT-IN.—Subsection (a) shall apply to State laws in a State for actions commenced before October 14, 1989, if the State by legislation elects such treatment.

(B) STATE OPT-OUT.—Subsection (a) shall not apply to State laws in a State for actions commenced on or after October 14, 1989, if the State by legislation elects such treatment.

(C) EFFECTIVE DATE OF ELECTION.—An election under State law is not effective, for purposes of subparagraphs (A) and (B), for actions commenced before the effective date of the State law, which may not be earlier than the date of the enactment of that law.

42 USC 11112.

SEC. 412. STANDARDS FOR PROFESSIONAL REVIEW ACTIONS.

(a) IN GENERAL.—For purposes of the protection set forth in section 411(a), a professional review action must be taken—

100 STAT. 3786

(1) in the reasonable belief that the action was in the furtherance of quality health care,

(2) after a reasonable effort to obtain the facts of the matter,

Physicians.

(3) after adequate notice and hearing procedures are afforded to the physician involved or after such other procedures as are fair to the physician under the circumstances, and

(4) in the reasonable belief that the action was warranted by the facts known after such reasonable effort to obtain facts and after meeting the requirement of paragraph (3).

A professional review action shall be presumed to have met the preceding standards necessary for the protection set out in section 411(a) unless the presumption is rebutted by a preponderance of the evidence.

Physicians.

(b) ADEQUATE NOTICE AND HEARING.—A health care entity is deemed to have met the adequate notice and hearing requirement of subsection (a)(3) with respect to a physician if the following conditions are met (or are waived voluntarily by the physician):

(1) NOTICE OF PROPOSED ACTION.—The physician has been given notice stating—

(A)(i) that a professional review action has been proposed to be taken against the physician,

(ii) reasons for the proposed action,

(B)(i) that the physician has the right to request a hearing on the proposed action,

(ii) any time limit (of not less than 30 days) within which to request such a hearing, and

(C) a summary of the rights in the hearing under paragraph (3).

(2) Notice of hearing.—If a hearing is requested on a timely basis under paragraph (1)(B), the physician involved must be given notice stating—

(A) the place, time, and date, of the hearing, which date shall not be less than 30 days after the date of the notice, and

(B) a list of the witnesses (if any) expected to testify at the hearing on behalf of the professional review body.

(3) Conduct of hearing and notice.—If a hearing is requested on a timely basis under paragraph (1)(B)—

(A) subject to subparagraph (B), the hearing shall be held (as determined by the health care entity)—

(i) before an arbitrator mutually acceptable to the physician and the health care entity,

(ii) before a hearing officer who is appointed by the entity and who is not in direct economic competition with the physician involved, or

(iii) before a panel of individuals who are appointed by the entity and are not in direct economic competition with the physician involved;

(B) the right to the hearing may be forfeited if the physician fails, without good cause, to appear;

(C) in the hearing the physician involved has the right—

(i) to representation by an attorney or other person of the physician's choice,

(ii) to have a record made of the proceedings, copies of which may be obtained by the physician upon payment of any reasonable charges associated with the preparation thereof, Records.

(iii) to call, examine, and cross-examine witnesses,

(iv) to present evidence determined to be relevant by the hearing officer, regardless of its admissibility in a court of law, and

(v) to submit a written statement at the close of the hearing; and

(D) upon completion of the hearing, the physician involved has the right—

(i) to receive the written recommendation of the arbitrator, officer, or panel, including a statement of the basis for the recommendations, and

(ii) to receive a written decision of the health care entity, including a statement of the basis for the decision.

A professional review body's failure to meet the conditions described in this subsection shall not, in itself, constitute failure to meet the standards of subsection (a)(3).

(c) Adequate Procedures in Investigations or Health Emergencies.—For purposes of section 411(a), nothing in this section shall be construed as—

(1) requiring the procedures referred to in subsection (a)(3)—

(A) where there is no adverse professional review action taken, or

(B) in the case of a suspension or restriction of clinical privileges, for a period of not longer than 14 days, during which an investigation is being conducted to determine the need for a professional review action; or

(2) precluding an immediate suspension or restriction of clinical privileges, subject to subsequent notice and hearing or other adequate procedures, where the failure to take such an action may result in an imminent danger to the health of any individual.

42 USC 11113.

SEC. 413. PAYMENT OF REASONABLE ATTORNEYS' FEES AND COSTS IN DEFENSE OF SUIT.

Courts, U.S.

In any suit brought against a defendant, to the extent that a defendant has met the standards set forth under section 412(a) and the defendant substantially prevails, the court shall, at the conclusion of the action, award to a substantially prevailing party defending against any such claim the cost of the suit attributable to such claim, including a reasonable attorney's fee, if the claim, or the claimant's conduct during the litigation of the claim, was frivolous, unreasonable, without foundation, or in bad faith. For the purposes of this section, a defendant shall not be considered to have substantially prevailed when the plaintiff obtains an award for damages or permanent injunctive or declaratory relief.

42 USC 11114.

SEC. 414. GUIDELINES OF THE SECRETARY.

The Secretary may establish, after notice and opportunity for comment, such voluntary guidelines as may assist the professional review bodies in meeting the standards described in section 412(a).

42 USC 11115.

SEC. 415. CONSTRUCTION.

(a) In General.—Except as specifically provided in this part, nothing in this part shall be construed as changing the liabilities or immunities under law.

Physicians.
Nurses.

(b) Scope of Clinical Privileges.—Nothing in this part shall be construed as requiring health care entities to provide clinical privileges to any or all classes or types of physicians or other licensed health care practitioners.

State and local governments.

(c) Treatment of Nurses and Other Practitioners.—Nothing in this part shall be construed as affecting, or modifying any provision of Federal or State law, with respect to activities of professional review bodies regarding nurses, other licensed health care practitioners, or other health professionals who are not physicians.

State and local governments.
Physicians.
Hospitals.

(d) Treatment of Patient Malpractice Claims.—Nothing in this title shall be construed as affecting in any manner the rights and remedies afforded patients under any provision of Federal or State law to seek redress for any harm or injury suffered as a result of negligent treatment or care by any physician, health care practitioner, or health care entity, or as limiting any defenses or immunities available to any physician, health care practitioner, or health care entity.

42 USC 11111 note.

SEC. 416. EFFECTIVE DATE.

This part shall apply to professional review actions commenced on or after the date of the enactment of this Act.

Claims.
Physicians.
Nurses.
Hospitals.
42 USC 11131.
Insurance.
Reports.

PART B—REPORTING OF INFORMATION

SEC. 421. REQUIRING REPORTS ON MEDICAL MALPRACTICE PAYMENTS.

(a) In General.—Each entity (including an insurance company) which makes payment under a policy of insurance, self-insurance, or otherwise in settlement (or partial settlement) of, or in satisfaction of a judgment in, a medical malpractice action or claim shall report, in accordance with section 424, information respecting the payment and circumstances thereof.

(b) Information To Be Reported.—The information to be reported under subsection (a) includes—

(1) the name of any physician or licensed health care practitioner for whose benefit the payment is made,

(2) the amount of the payment,

(3) the name (if known) of any hospital with which the physician or practitioner is affiliated or associated,

(4) a description of the acts or omissions and injuries or illnesses upon which the action or claim was based, and

(5) such other information as the Secretary determines is required for appropriate interpretation of information reported under this section.

(c) Sanctions for Failure to Report.—Any entity that fails to report information on a payment required to be reported under this section shall be subject to a civil money penalty of not more than $10,000 for each such payment involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected under that section.

Ante, p. 2003.

(d) Report on Treatment of Small Payments.—The Secretary shall study and report to Congress, not later than two years after the date of the enactment of this Act, on whether information respecting small payments should continue to be required to be reported under subsection (a) and whether information respecting all claims made concerning a medical malpractice action should be required to be reported under such subsection.

SEC. 422. REPORTING OF SANCTIONS TAKEN BY BOARDS OF MEDICAL EXAMINERS.

42 USC 11132.

(a) In General.—

(1) Actions subject to reporting.—Each Board of Medical Examiners—

(A) which revokes or suspends (or otherwise restricts) a physician's license or censures, reprimands, or places on probation a physician, for reasons relating to the physician's professional competence or professional conduct, or

(B) to which a physician's license is surrendered,

shall report, in accordance with section 424, the information described in paragraph (2).

(2) Information to be reported.—The information to be reported under paragraph (1) is—

(A) the name of the physician involved,

(B) a description of the acts or omissions or other reasons (if known) for the revocation, suspension, or surrender of license, and

(C) such other information respecting the circumstances of the action or surrender as the Secretary deems appropriate.

(b) Failure to Report.—If, after notice of noncompliance and providing opportunity to correct noncompliance, the Secretary determines that a Board of Medical Examiners has failed to report information in accordance with subsection (a), the Secretary shall designate another qualified entity for the reporting of information under section 423.

SEC. 423. REPORTING OF CERTAIN PROFESSIONAL REVIEW ACTIONS TAKEN BY HEALTH CARE ENTITIES.

42 USC 11133.

(a) Reporting by Health Care Entities.—

(1) On physicians.—Each health care entity which—

(A) takes a professional review action that adversely affects the clinical privileges of a physician for a period longer than 30 days;

(B) accepts the surrender of clinical privileges of a physician—

(i) while the physician is under an investigation by the entity relating to possible incompetence or improper professional conduct, or

(ii) in return for not conducting such an investigation or proceeding; or

(C) in the case of such an entity which is a professional society, takes a professional review action which adversely affects the membership of a physician in the society,

shall report to the Board of Medical Examiners, in accordance with section 424(a), the information described in paragraph (3).

(2) PERMISSIVE REPORTING ON OTHER LICENSED HEALTH CARE PRACTITIONERS.—A health care entity may report to the Board of Medical Examiners, in accordance with section 424(a), the information described in paragraph (3) in the case of a licensed health care practitioner who is not a physician, if the entity would be required to report such information under paragraph (1) with respect to the practitioner if the practitioner were a physician.

(3) INFORMATION TO BE REPORTED.—The information to be reported under this subsection is—

(A) the name of the physician or practitioner involved,

(B) a description of the acts or omissions or other reasons for the action or, if known, for the surrender, and

(C) such other information respecting the circumstances of the action or surrender as the Secretary deems appropriate.

(b) REPORTING BY BOARD OF MEDICAL EXAMINERS.—Each Board of Medical Examiners shall report, in accordance with section 424, the information reported to it under subsection (a) and known instances of a health care entity's failure to report information under subsection (a)(1).

(c) SANCTIONS.—

(1) HEALTH CARE ENTITIES.—A health care entity that fails substantially to meet the requirement of subsection (a)(1) shall lose the protections of section 411(a)(1) if the Secretary publishes the name of the entity under section 411(b).

(2) BOARD OF MEDICAL EXAMINERS.—If, after notice of noncompliance and providing an opportunity to correct noncompliance, the Secretary determines that a Board of Medical Examiners has failed to report information in accordance with subsection (b), the Secretary shall designate another qualified entity for the reporting of information under subsection (b).

State and local governments.

(d) REFERENCES TO BOARD OF MEDICAL EXAMINERS.—Any reference in this part to a Board of Medical Examiners includes, in the case of a Board in a State that fails to meet the reporting requirements of section 422(a) or subsection (b), a reference to such other qualified entity as the Secretary designates.

42 USC 11134.

SEC. 424. FORM OF REPORTING.

(a) TIMING AND FORM.—The information required to be reported under sections 421, 422(a), and 423 shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date (not later than one year after the date of the enactment of this Act) specified by the Secretary.

Classified information.

(b) TO WHOM REPORTED.—The information required to be reported under sections 421, 422(a), and 423(b) shall be reported to the Secretary, or, in the Secretary's discretion, to an appropriate private or public agency which has made suitable arrangements with the Secretary with respect to receipt, storage, protection of confidentiality, and dissemination of the information under this part.

(c) REPORTING TO STATE LICENSING BOARDS.—

(1) MALPRACTICE PAYMENTS.—Information required to be reported under section 421 shall also be reported to the appropriate State licensing board (or boards) in the State in which the medical malpractice claim arose.

(2) REPORTING TO OTHER LICENSING BOARDS.—Information required to be reported under section 423(b) shall also be reported to the appropriate State licensing board in the State in which the health care entity is located if it is not otherwise reported to such board under subsection (b).

42 USC 11135.

SEC. 425. DUTY OF HOSPITALS TO OBTAIN INFORMATION.

(a) IN GENERAL.—It is the duty of each hospital to request from the Secretary (or the agency designated under section 424(b)), on and after the date information is first required to be reported under section 424(a))—

100 STAT. 3791

(1) at the time a physician or licensed health care practitioner applies to be on the medical staff (courtesy or otherwise) of, or for clinical privileges at, the hospital, information reported under this part concerning the physician or practitioner, and

(2) once every 2 years information reported under this part concerning any physician or such practitioner who is on the medical staff (courtesy or otherwise) of, or has been granted clinical privileges at, the hospital.

A hospital may request such information at other times.

(b) FAILURE TO OBTAIN INFORMATION.—With respect to a medical malpractice action, a hospital which does not request information respecting a physician or practitioner as required under subsection (a) is presumed to have knowledge of any information reported under this part to the Secretary with respect to the physician or practitioner.

(c) RELIANCE ON INFORMATION PROVIDED.—Each hospital may rely upon information provided to the hospital under this title and shall not be held liable for such reliance in the absence of the hospital's knowledge that the information provided was false.

SEC. 426. DISCLOSURE AND CORRECTION OF INFORMATION.

Regulations.
42 USC 11136.

With respect to the information reported to the Secretary (or the agency designated under section 424(b)) under this part respecting a physician or other licensed health care practitioner, the Secretary shall, by regulation, provide for—

(1) disclosure of the information, upon request, to the physician or practitioner, and

(2) procedures in the case of disputed accuracy of the information.

SEC. 427. MISCELLANEOUS PROVISIONS.

State and local governments.
42 USC 11137.
Health maintenance organizations.

(a) PROVIDING LICENSING BOARDS AND OTHER HEALTH CARE ENTITIES WITH ACCESS TO INFORMATION.—The Secretary (or the agency designated under section 424(b)) shall, upon request, provide information reported under this part with respect to a physician or other licensed health care practitioner to State licensing boards, to hospitals, and to other health care entities (including health maintenance organizations) that have entered (or may be entering) into an employment or affiliation relationship with the physician or practitioner or to which the physician or practitioner has applied for clinical privileges or appointment to the medical staff.

(b) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Information reported under this part is considered confidential and shall not be disclosed (other than to the physician or practitioner involved) except with respect to professional review activity, with respect to medical malpractice actions, or in accordance with regulations of the Secretary promulgated pursuant to subsection (a). Nothing in this subsection shall prevent the disclosure of such information by a party which is otherwise authorized, under applicable State law, to make such disclosure.

(2) PENALTY FOR VIOLATIONS.—Any person who violates paragraph (1) shall be subject to a civil money penalty of not more than $10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected under that section.

100 STAT. 3792

42 USC 1320a-7a.

(3) USE OF INFORMATION.—Subject to paragraph (1), information provided under section 425 and subsection (a) is intended to be used solely with respect to activities in the furtherance of the quality of health care.

(c) **Relief From Liability for Reporting.**—No person or entity shall be held liable in any civil action with respect to any report made under this part without knowledge of the falsity of the information contained in the report.

(d) **Interpretation of Information.**—In interpreting information reported under this part, a payment in settlement of a medical malpractice action or claim shall not be construed as creating a presumption that medical malpractice has occurred.

PART C—DEFINITIONS AND REPORTS

42 USC 11151.

SEC. 431. DEFINITIONS.

In this title:

(1) The term "adversely affecting" includes reducing, restricting, suspending, revoking, denying, or failing to renew clinical privileges or membership in a health care entity.

(2) The term "Board of Medical Examiners" includes a body comparable to such a Board (as determined by the State) with responsibility for the licensing of physicians and also includes a subdivision of such a Board or body.

(3) The term "clinical privileges" includes privileges, membership on the medical staff, and the other circumstances pertaining to the furnishing of medical care under which a physician or other licensed health care practitioner is permitted to furnish such care by a health care entity.

(4)(A) The term "health care entity" means—

(i) a hospital that is licensed to provide health care services by the State in which it is located,

(ii) an entity (including a health maintenance organization or group medical practice) that provides health care services and that follows a formal peer review process for the purpose of furthering quality health care (as determined under regulations of the Secretary), and

(iii) subject to subparagraph (B), a professional society (or committee thereof) of physicians or other licensed health care practitioners that follows a formal peer review process for the purpose of furthering quality health care (as determined under regulations of the Secretary).

(B) The term "health care entity" does not include a professional society (or committee thereof) if, within the previous 5 years, the society has been found by the Federal Trade Commission or any court to have engaged in any anti-competitive practice which had the effect of restricting the practice of licensed health care practitioners.

(5) The term "hospital" means an entity described in paragraphs (1) and (7) of section 1861(e) of the Social Security Act. 42 USC 1395x.

(6) The terms "licensed health care practitioner" and "practitioner" mean, with respect to a State, an individual (other than a physician) who is licensed or otherwise authorized by the State to provide health care services.

100 STAT. 3793

(7) The term "medical malpractice action or claim" means a written claim or demand for payment based on a health care provider's furnishing (or failure to furnish) health care services, and includes the filing of a cause of action, based on the law of tort, brought in any court of any State or the United States seeking monetary damages.

(8) The term "physician" means a doctor of medicine or osteopathy or a doctor of dental surgery or medical dentistry legally authorized to practice medicine and surgery or dentistry by a State (or any individual who, without authority holds himself or herself out to be so authorized).

(9) The term "professional review action" means an action or recommendation of a professional review body which is taken or

made in the conduct of professional review activity, which is based on the competence or professional conduct of an individual physician (which conduct affects or could affect adversely the health or welfare of a patient or patients), and which affects (or may affect) adversely the clinical privileges, or membership in a professional society, of the physician. Such term includes a formal decision of a professional review body not to take an action or make a recommendation described in the previous sentence and also includes professional review activities relating to a professional review action. In this title, an action is not considered to be based on the competence or professional conduct of a physician if the action is primarily based on—

(A) the physician's association, or lack of association, with a professional society or association,

(B) the physician's fees or the physician's advertising or engaging in other competitive acts intended to solicit or retain business,

(C) the physician's participation in prepaid group health plans, salaried employment, or any other manner of delivering health services whether on a fee-for-service or other basis,

(D) a physician's association with, supervision of, delegation of authority to, support for, training of, or participation in a private group practice with, a member or members of a particular class of health care practitioner or professional, or

(E) any other matter that does not relate to the competence or professional conduct of a physician.

(10) The term "professional review activity" means an activity of a health care entity with respect to an individual physician—

(A) to determine whether the physician may have clinical privileges with respect to, or membership in, the entity,

(B) to determine the scope or conditions of such privileges or membership, or

(C) to change or modify such privileges or membership.

(11) The term "professional review body" means a health care entity and the governing body or any committee of a health care entity which conducts professional review activity, and includes any committee of the medical staff of such an entity when assisting the governing body in a professional review activity.

(12) The term "Secretary" means the Secretary of Health and Human Services.

(13) The term "State" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(14) The term "State licensing board" means, with respect to a physician or health care provider in a State, the agency of the State which is primarily responsible for the licensing of the physician or provider to furnish health care services.

SEC. 432. REPORTS AND MEMORANDA OF UNDERSTANDING.

42 USC 11152.

(a) Annual Reports to Congress.—The Secretary shall report to Congress, annually during the three years after the date of the enactment of this Act, on the implementation of this title.

(b) Memoranda of Understanding.—The Secretary of Health and Human Services shall seek to enter into memoranda of understanding with the Secretary of Defense and the Administrator of Veterans' Affairs to apply the provisions of part B of this title to hospitals and other facilities and health care providers under the jurisdiction of the Secretary or Administrator, respectively. The Secretary shall report to Congress, not later than two years after the date of the enactment of this Act, on any such memoranda and on the cooperation among such officials in establishing such memoranda.

Ante, p. 3788.

Drugs and drug abuse.

(c) **Memorandum of Understanding with Drug Enforcement Administration.**—The Secretary of Health and Human Services shall seek to enter into a memorandum of understanding with the Administrator of Drug Enforcement relating to providing for the reporting by the Administrator to the Secretary of information respecting physicians and other practitioners whose registration to dispense controlled substances has been suspended or revoked under section 304 of the Controlled Substances Act. The Secretary shall report to Congress, not later than two years after the date of the enactment of this Act, on any such memorandum and on the cooperation between the Secretary and the Administrator in establishing such a memorandum.

21 USC 824.

State Comprehensive Mental Health Services Plan Act of 1986.
42 USC 201 note.

TITLE V—STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLANS

SEC. 501. SHORT TITLE.

This title may be cited as the "State Comprehensive Mental Health Services Plan Act of 1986".

SEC. 502. STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLAN.

42 USC 300x.

Part B of title XIX of the Public Health Service Act is amended—

(1) by inserting before the heading for section 1911 the following:

"Subpart 1—Block Grant"; and

100 STAT. 3795

(2) by adding at the end thereof the following:

"Subpart 2—State Comprehensive Mental Health Services Plan

"DEVELOPMENT GRANTS

Regulations.
42 USC 300x-10.

"Sec. 1920B. (a) The Secretary shall make grants to States for the development of State comprehensive mental health services plans which comply with section 1920C. In order to receive a grant under this section, a State shall submit an application to the Secretary. Such application shall be in such form, and shall contain such information, as the Secretary may by regulation prescribe.

"(b)(1) Except as provided in paragraph (2), the amount of a grant to a State under this section for a fiscal year shall be the amount which bears the same ratio to the amount appropriated to carry out this section for such fiscal year as the population of the State bears to the total of the population of all States which submit applications under this section.

"(2) Notwithstanding paragraph (1), the amount of a grant to any State under this section shall not be less than $150,000.

Appropriation authorization.

"(c) To carry out this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1988 and 1989.

"STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLANS

42 USC 300x-11.

"Sec. 1920C. (a) For each fiscal year, beginning with fiscal year 1988, each State shall submit a State comprehensive mental health services plan (hereafter referred to in this subpart as the 'State plan') to the Secretary.

"(b) A State plan shall, for the fiscal year for which the plan is submitted and each of the 2 succeeding fiscal years, meet the following requirements:

"(1) The State plan shall provide for the establishment and of implementation of an organized community-based system of care for chronically mentally ill individuals.

"(2) The State plan shall contain quantitative targets to be achieved in the implementation of such system, including numbers of chronically mentally ill individuals residing in the areas to be served under such system.

"(3) The State plan shall describe services to be provided to chronically mentally ill individuals to enable such individuals to gain access to mental health services, including access to treatment, prevention, and rehabilitation services.

"(4) The State plan shall describe rehabilitation services, employment services, housing services, medical and dental care, and other support services to be provided to chronically mentally ill individuals in order to enable such individuals to function outside of inpatient institutions to the maximum extent of their capabilities.

"(5) The State plan shall provide for activities to reduce the rate of hospitalization of chronically mentally ill individuals.

"(6) Except as provided in paragraph (7), the State plan shall require the provision of case management services to each chronically mentally ill individual in the State who receives substantial amounts of public funds or services. For purposes of this paragraph, the term 'chronically mentally ill individual' means a chronically mentally ill individual as defined under State laws and regulations.

100 STAT. 3796

"(7) The State plan may provide for the implementation of the requirements of paragraph (6) in a manner which—

"(A) phases in, beginning in fiscal year 1989, the provision to all chronically mentally ill individuals to which such paragraph applies the case management services required to be provided under such paragraph; and

"(B) provides for the substantial completion of the phasing in of the provision of such services by the end of fiscal year 1992.

Homeless persons.

"(8) The State plan shall provide for the establishment and implementation of a program of outreach to, and services for, chronically mentally ill individuals who are homeless.

"(c) In developing each State plan required under this section, the State shall consult with representatives of employees of State institutions and public and private nursing homes who care for chronically mentally ill individuals.

"(d) The Secretary shall provide technical assistance to States in the development and implementation of State plans which comply with this section. Such technical assistance shall include the development and publication by the Secretary of model elements for State plans and model data systems for the collection of data concerning the implementation of State plans.

"ENFORCEMENT

42 USC 300x-12.

"SEC. 1920D. (a) If the Secretary determines that a State has not, by the end of fiscal year 1989, developed the State plan required by section 1920C, the Secretary shall reduce the amount of the State's allotment under subpart 1 for fiscal year 1990 by the amount specified in subsection (d).

"(b) If the Secretary determines that a State has not, by the end of fiscal year 1990, developed and substantially implemented the State plan required by section 1920C, the Secretary shall reduce the amount of the State's allotment under subpart 1 for fiscal year 1991 by the amount specified in subsection (d).

Ante, p. 3794.

"(c) If the Secretary determines that a State has not, by the end of fiscal year 1991, developed and completely implemented the State plan required by section 1920C, the Secretary shall reduce the amount of the State's allotment under subpart 1 for fiscal year 1992 and each succeeding fiscal year by the amount specified in subsection (d). The Secretary shall discontinue the reduction under this

subsection of a State's allotment under subpart 1 for a fiscal year if the Secretary determines that the State has, in the preceding fiscal year, developed and completely implemented the State plan required by section 1920C.

"(d) The amount referred to in subsections (a), (b), and (c) with respect to a State is the total amount expended by the State for administrative expenses for fiscal year 1986 from amounts paid to the State under subpart 1 for such fiscal year.

"(e) Notwithstanding any other provision of this subpart, the Secretary shall not require a State government, in carrying out a State plan submitted under this subpart, to expend an amount for mental health services for any fiscal year which exceeds the total amount that would have been expended for such services by such government for such fiscal year if such plan had not been implemented.

100 STAT. 3797

"MODEL STANDARDS FOR THE PROVISION OF CARE TO THE CHRONICALLY MENTALLY ILL

42 USC 300x-13.

"SEC. 1920E. (a) Within one year after the date of enactment of this subpart, the Secretary shall develop and make available a model plan for a community-based system of care for chronically mentally ill individuals. Such plan shall be developed in consultation with State mental health directors, providers of mental health services, chronically mentally ill individuals, advocates for such individuals, and other interested parties.".

SEC. 503. STATE MENTAL HEALTH SERVICES PLANNING COUNCILS.

42 USC 300x-4.

Section 1916(f) of the Public Health Service Act is amended—

42 USC 300x-3.

(1) by striking out "With amounts available under section 1915(a), the chief executive officer of the State may" and inserting in lieu thereof "The chief executive officer of the State shall"; and

(2) by adding at the end thereof the following new sentence: "The State may use amounts available under section 1915(a) to establish and operate such a council.".

SEC. 504. DEMONSTRATION PROJECTS FOR SERVICES FOR HOMELESS CHRONICALLY MENTALLY ILL INDIVIDUALS.

Aged persons.
42 USC 290aa-3.

(a) DEMONSTRATION PROJECTS.—Section 504(f)(1) of the Public Health Service Act is amended by striking out "and elderly individuals" and inserting in lieu thereof "elderly individuals, and homeless chronically mentally ill individuals".

(b) AUTHORIZATION.—Section 504(f)(3) of such Act is amended by striking out "1985, 1986, and 1987" and inserting in lieu thereof "1985 and 1986, and $24,000,000 for fiscal year 1988".

(c) ADMINISTRATIVE EXPENSES.—Section 504(f) of such Act is further amended by adding at the end thereof the following new paragraph:

Grants.

"(4)(A) Not more than 25 percent of the total amount of a grant for fiscal year 1988 made to a State under this subsection for a project for services for chronically mentally ill adults (other than a project for services for elderly individuals or a project for services for homeless chronically mentally ill individuals) may be used by the State for administrative expenses in carrying out such grant in such fiscal year.

"(B) Not more than 25 percent of the total amount of any grant made to a State under this subsection for services to chronically mentally ill adults for any fiscal year (beginning with fiscal year 1989) may be used by the State for administrative expenses in carrying out such grant in such fiscal year.".

TITLE VI—GERIATRIC TRAINING

SEC. 601. ESTABLISHMENT OF TRAINING PROGRAM.

42 USC 295g-8.

(a) Section 788 of the Public Health Service Act is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

Grants. Contracts. Schools and colleges. Education. Physicians. Dentists.

"(e)(1) The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathy, teaching hospitals, and graduate medical education programs, for the purpose of providing support for geriatric medicine training projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry.

100 STAT. 3798

"(2) Each project for which a grant or contract is made under this subsection shall—

"(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine;

"(B) be staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

"(C) be based in a graduate medical education program in internal medicine or family medicine;

"(D) provide participants in the project with exposure to a diversified population of elderly individuals;

"(E) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric psychiatry units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

"(F) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

"(3) The training options referred to in subparagraph (F) of paragraph (2) are as follows:

"(A) A one-year retraining program in geriatrics for—

"(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, and psychiatry at schools of medicine and osteopathy; and

"(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry.

Fellowships.

"(B) A one-year or two-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

"(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, psychiatry, neurology, gynecology, or rehabilitation medicine; and

"(ii) dentists who have completed post-doctoral dental education programs.

"(4) For purposes of this subsection—

"(A) the term 'graduate medical education program' means a program sponsored by a school of medicine, a school of osteopathy, a hospital, or a public or private institution, which—

"(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

"(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic

Association through its Committee on Postdoctoral Training; and

"(B) the term 'post-doctoral dental education program', means a program sponsored by a school of dentistry, a hospital, or a public or private institution, which—

"(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and

"(ii) has been accredited by the Commission on Dental Accreditation.".

42 USC 295g–8.

(b) Section 788(d)(1)(D) of such Act is amended by inserting "(other than training and retraining of faculty for schools of medicine and osteopathy) before the semicolon.

(c) Section 788(h) of such Act (as redesignated by subsection (a)(1) of this section) is amended—

(1) by striking out "$8,000,000" the third place it appears in the first sentence and inserting in lieu thereof "$12,000,000";

(2) by striking out "each of the fiscal years" in paragraph (2) and inserting in lieu thereof "the fiscal year";

(3) by inserting "25 percent of such amount for the fiscal year ending" before "September 30, 1988" in paragraph (2); and

(4) by adding at the end thereof the following: "One-third of the amounts appropriated to carry out this section for fiscal year 1988 shall be available to carry out subsection (e) for such fiscal year.".

TITLE VII—HEALTH PLANNING

SEC. 701. REPEAL OF TITLE XV.

Effective date.
42 USC 300k–1 *et seq.*
42 USC 300k–1 note.

(a) REPEAL.—Title XV of the Public Health Service Act is repealed effective January 1, 1987.

(b) FUNDS.—The repeal made by subsection (a) shall not affect any funds obligated for the purposes of title XV of the Public Health Service Act before January 1, 1987.

Health Maintenance Organization Amendments of 1986.

TITLE VIII—HEALTH MAINTENANCE ORGANIZATIONS

SEC. 801. SHORT TITLE.

42 USC 201 note.

This title may be cited as the "Health Maintenance Organization Amendments of 1986".

SEC. 802. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

42 USC 201 note.

SEC. 803. ELIMINATION OF AUTHORIZATION OF SUPPORT FOR FEASIBILITY SURVEYS, PLANNING, AND INITIAL DEVELOPMENT COSTS.

(a) Sections 1303, 1304, and 1307(c) (42 U.S.C. 300e–2, 300e–3, and 300e–6(c)) are repealed.

Loans.

(b)(1) Section 1306 (42 U.S.C. 300e–5) is amended—

(A) by striking out "grant, contract, loan," each place it appears (except in subsection (b)(6)) and inserting in lieu thereof "loan",

(B) by striking out "in the case of an application for assistance under section 1303 or 1304, such application meets the application requirements of such section and in the case of an application for a loan or loan guarantee," in subsection (b)(1),

(C) by striking out "1304," in subsection (b)(2), and

(D) by striking out "grants, contracts, loans," in subsection (c) and inserting in lieu thereof "loans".

(2) Section 1307 (42 U.S.C. 300e–6) is amended—

Loans.

(A) by striking out "grant, contract, loan," each place it appears and inserting in lieu thereof "loan",

(B) by striking out "grant, contract, or" in subsection (a)(1), and

(C) by striking out "such assistance" in subsection (a)(1) and inserting in lieu thereof "the loan".

(3) Section 1309(a) (42 U.S.C. 300e–8(a)) is amended—

(A) by striking out paragraph (1), and

(B) by striking out "(2)".

(4) The first sentence of section 1317(b) (42 U.S.C. 300e–16(b)) is amended—

(A) by striking out clause (1), and

(B) by redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

Grants.
Contracts.
42 USC 300e–5 note.

(c) The amendments made by this section do not apply to any grant made or contract entered into under title XIII of the Public Health Service Act before October 1, 1985.

42 USC 300e *et seq.*

SEC. 804. LIMITATION ON LOANS AND LOAN GUARANTEES FOR INITIAL COSTS OF OPERATION.

Grants.
Contracts.

(a) The last sentence of section 1305(a) (42 U.S.C. 300e–4(a)) is amended by inserting before the period ", and unless the Secretary has made a grant or loan to, entered into a contract with, or guaranteed a loan for, the organization in fiscal year 1981, 1982, 1983, 1984, or 1985 under this section or section 1304(b) (as in effect before October 1, 1985)".

Ante, p. 3799.

42 USC 300e–4 note.

(b) The amendment made by subsection (a) does not apply to any loan or loan guarantee for the initial costs of operation of a health maintenance organization made under title XIII of the Public Health Service Act before October 1, 1985.

SEC. 805. ELIMINATION OF LOANS AND LOAN GUARANTEES FOR ACQUISITION AND CONSTRUCTION OF AMBULATORY CARE FACILITIES.

(a) Section 1305A (42 U.S.C. 300e–4a) is repealed.

(b) Section 1306(b)(2) (42 U.S.C. 300e–5(b)(2)) is amended by striking out "or 1305A,".

42 USC 300e–5 note.

(c) The amendments made by this section do not apply to any loan or loan guarantee made under section 1305A of the Public Health Service Act before October 1, 1985.

SEC. 806. REPEAL OF REQUIREMENT FOR HEALTH SYSTEMS AGENCY REVIEW.

Section 1306(b) (42 U.S.C. 300e–5(b)) is amended by striking out paragraph (5) and by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

SEC. 807. LIMITATION ON BORROWING BY LOAN GUARANTEE FUND.

The first sentence of section 1308(d)(2) (42 U.S.C. 300e–7(d)(2)) is amended by inserting "before October 1, 1986," after "guarantees issued by him".

SEC. 808. REPEAL OF REQUIREMENT FOR PERIODIC DEMONSTRATION OF COMPLIANCE.

Section 1310(d) (42 U.S.C. 300e–9(d)) is amended by striking out the last sentence.

SEC. 809. ANNUAL UPDATE OF STATE LAW DIGEST.

The first sentence of section 1311(c) (42 U.S.C. 300e–10(c)) is amended by striking out "quarterly" and inserting in lieu thereof "annually".

SEC. 810. ELIMINATION OF UNNECESSARY REPORT.

Section 1318(e) (42 U.S.C. 300e–17(e)) is repealed.

SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

Loans.

Section 1309(b) (42 U.S.C. 300e–8(b)) is amended to read as follows:

"(b) To meet the obligations of the loan fund established under section 1308(e) resulting from defaults on loans made from the fund and to meet the other obligations of the fund, there is authorized to be appropriated to the loan fund for fiscal years 1987, 1988, and 1989, such sums as may be necessary.".

SEC. 812. ORGAN TRANSPLANTS AS PART OF BASIC COVERAGE.

(a) Section 1302(1) (42 U.S.C. 300e–1(1)) is amended by inserting before the last sentence the following new sentence: "Such term includes a health service directly associated with an organ transplant only if such organ transplant was required to be included in basic health services on April 15, 1985.".

Effective date.
Termination date.
42 USC 300e–1 note.
42 USC 300e *et seq.*

(b)(1) The amendment made by subsection (a) shall take effect on October 1, 1985, and shall cease to be in effect on April 1, 1988.

(2) After April 1, 1988, for purposes of title XIII of the Public Health Service Act, no health service directly associated with an organ transplant shall be considered to be a basic health service if such service would otherwise have been added as a basic health service between April 15, 1985, and April 1, 1988.

SEC. 813. STUDY ON THE HEALTH MAINTENANCE ORGANIZATION PROGRAM.

42 USC 300e note.

(a) The Secretary of Health and Human Services shall provide for the conduct of a study to assess the operation and impact of the provisions of title XIII of the Public Health Service Act. The study shall—

(1) assess the attitudes of employers and employees toward prepaid health benefits plans, particularly health maintenance organization plans;

(2) examine the operation of the community rating approach and the impact of such approach on the membership composition and competitiveness of health maintenance organizations qualified under such title;

42 USC 300e–9.

(3) analyze the effects of the dual choice option provided in section 1310 of such Act on health maintenance organizations and on other health benefits plans;

(4) assess the approach used to add services no longer considered to be experimental to basic health services for health maintenance organizations qualified under such title, particularly with respect to the addition of organ transplants to such basic health services and the impact of such addition on the competitiveness of such health maintenance organizations; and

(5) examine the effect of minimum benefit requirements, underwriting restrictions, restrictions on cost sharing, and the requirement that services be provided without limitation as to time or cost on the competitiveness of health maintenance organizations qualified under such title.

Reports.

(b) Within 18 months after the date of enactment of this Act, the Secretary shall prepare and transmit to the Congress a report which describes the findings and conclusions of the study conducted under subsection (a) and contains such recommendations for legislative and regulatory action as the Secretary considers appropriate.

Contracts.

(c) Any contract entered into under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

42 USC 300e–1.

SEC. 814. SERVICES OF PSYCHOLOGISTS.

(a) Paragraphs (1) and (2) of section 1302 of the Public Health Service Act are amended by inserting "psychologist," after "podiatrist," each place it appears.

(b) Paragraph (4) of such section is amended by striking out "and podiatrists" and inserting in lieu thereof "podiatrists, and psychologists".

(c) Paragraph (5) of such section is amended by inserting "psychology," after "optometry,".

SEC. 815. EFFECTIVE DATE.

42 USC 300e-1 note.

(a) Except as provided in subsection (b) and section 812(b), this title and the amendments made by this title shall take effect on October 1, 1985.

(b) Section 813 shall take effect on the date of enactment of this Act.

SEC. 816. CONSTRUCTION.

42 USC 300e-1 note.

The provisions of this title and of the amendments made by this title do not authorize the appropriation of any funds for fiscal year 1986.

TITLE IX—ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH

Alzheimer's Disease and Related Dementias Services Research Act of 1986.

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 901. This title may be cited as the "Alzheimer's Disease and Related Dementias Services Research Act of 1986".

42 USC 11201 note.

FINDINGS

42 USC 11201.

SEC. 902. The Congress finds that—

(1) best estimates indicate that between 2,000,000 and 3,000,000 Americans presently have Alzheimer's disease or related dementias;

(2) estimates of the number of individuals afflicted with Alzheimer's disease and related dementias are unreliable because current diagnostic procedures lack accuracy and sensitivity and because there is a need for epidemiological data on incidence and prevalence of such disease and dementias;

100 STAT. 3803

(3) studies estimate that between one-half and two-thirds of patients in nursing homes meet the clinical and mental status criteria for dementia;

(4) the care for individuals with Alzheimer's disease and related dementias falls primarily on their families, and such care is very often financially and emotionally devastating;

(5) the cost of caring for individuals with Alzheimer's disease and related dementias is great, and conservative estimates range between $38,000,000,000 and $42,000,000,000 per year solely for direct costs;

(6) although substantial progress has been made in recent years in identifying possible leads to the causes of Alzheimer's disease and related dementias and more progress can be expected in the near future, there is little likelihood of a breakthrough in the foreseeable future which would eliminate or substantially reduce the number of individuals with such disease and dementias or the difficulties of caring for such individuals;

(7) attempts to reduce the emotional and financial burden of caring for dementia patients is impeded by a lack of knowledge about such patients, how to care for such patients, the costs associated with such care, the effectiveness of various modes of care, the quality and type of care necessary at various stages of

the disease, and other appropriate services that are needed to provide quality care;

(8) the results of the little research that has been undertaken concerning dementia has been inadequate or the results have not been widely disseminated;

(9) more knowledge is needed concerning—

(A) the epidemiology of, and the identification of risk factors for, Alzheimer's disease and related dementias;

(B) the development of methods for early diagnosis, functional assessment, and psychological evaluation of individuals with Alzheimer's disease for the purpose of monitoring the course of the disease and developing strategies for improving the quality of life for such individuals;

(C) the understanding of the optimal range and cost-effectiveness of community and institutional services for individuals with Alzheimer's disease and related dementias and their families, particularly with respect to the design, delivery, staffing, and mix of such services and the coordination of such services with other services, and with respect to the relationship of formal to informal support services;

(D) the understanding of optimal methods to combine formal support services provided by health care professionals with informal support services provided by family, friends, and neighbors of individuals with Alzheimer's disease, and the identification of ways family caregivers can be sustained through interventions to reduce psychological and social problems and physical problems induced by stress;

(E) existing data that are relevant to Alzheimer's disease and related dementias; and

(F) the costs incurred in caring for individuals with Alzheimer's disease and related dementias;

100 STAT. 3804

(10) it is imperative to provide appropriate coordination of the efforts of the Federal Government in the provision of services for individuals with Alzheimer's disease and related dementias;

(11) it is important to increase the understanding of Alzheimer's disease and related dementias by the diverse range of personnel involved in the care of individuals with such disease and dementias; and

(12) it is imperative that the Social Security Administration be provided information pertaining to Alzheimer's disease and related dementias, particularly for personnel in such Administration involved in the establishment and updating of criteria for determining whether an individual is under a disability for purposes of titles II and XVI of the Social Security Act.

42 USC 401 *et seq.*, 1381 *et seq.*

PART B—COUNCIL ON ALZHEIMER'S DISEASE

ESTABLISHMENT

42 USC 11211.

SEC. 911. (a) There is established in the Department of Health and Human Services (hereinafter referred to as the "Department") the Council on Alzheimer's Disease (hereinafter referred to as the "Council"). The Council shall be composed of—

(1) the Assistant Secretary for Health;

(2) the Surgeon General of the United States;

(3) the Assistant Secretary for Planning and Evaluation;

(4) the Director of the National Institute of Allergy and Infectious Diseases;

(5) the Director of the National Institute of Mental Health;

(6) the Director of the National Institute of Neurological and Communicative Diseases and Stroke;

(7) the Director of the National Institute on Aging;

(8) the Commissioner on Aging;

(9) the Administrator of the Health Care Financing Administration (or the designee of such Administrator);

(10) the Director of the National Center for Health Services Research and Health Care Technology Assessment;

(11) the Administrator of Veterans' Affairs (or the designee of such Administrator); and

(12) such additional members as the Secretary of Health and Human Services (hereinafter referred to as the "Secretary") considers appropriate.

(b) The Secretary shall select a Chairman for the Council from among its members.

(c) A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

(d) The Council shall meet periodically at the call of the Chairman, but not less than twice each year.

(e) The Secretary shall appoint an Executive Secretary for the Council and shall provide the Council with such additional administrative staff and support as may be necessary to enable the Council to carry out its functions.

FUNCTIONS

SEC. 912. (a) The Council shall— 42 USC 11212.

(1) coordinate continuing research conducted by or through the Department on Alzheimer's disease and related dementias; 100 STAT. 3805

(2) establish a mechanism for the sharing of information among all officers and employees of the Department involved in carrying out programs serving elderly individuals; Aged persons.

(3) identify the most promising areas of research concerning Alzheimer's disease and related dementias;

(4) establish mechanisms to use the results of research concerning Alzheimer's disease and related dementias in the development of policies, programs, and means to improve the quality of life for older Americans; and Aged persons.

(5) assist the National Institute on Aging, the National Institute of Mental Health, and the National Center for Health Services Research and Health Care Technology Assessment in developing and coordinating the plans for research required under part E, and in making revisions in such plans. *Post*, p. 3808.

(b)(1) Not later than 9 months after the date of enactment of this Act, the Council shall transmit to the Congress and make available to the public a report detailing the plans for research prepared by the National Institute on Aging, the National Institute of Mental Health, and the National Center for Health Services Research and Health Care Technology Assessment under part E. Such report shall— Reports.

(A) describe, insofar as feasible, the activities to be carried out under such part during each of the fiscal years 1987, 1988, 1989, 1990, and 1991; and

(B) ensure that activities carried out under such part are coordinated with, and use, to the maximum extent feasible, the resources of, other Federal programs relating to Alzheimer's disease and related dementias, including centers supported under section 445 of the Public Health Service Act, centers supported by the National Institute of Mental Health on the psychopathology of the elderly, relevant activities of the Administration on Aging, other centers supported by Federal funds involved in research on Alzheimer's disease and related dementias, and other programs relating to Alzheimer's disease and related dementias which are planned or conducted by Federal agencies other than the Department, State or local agencies, community organizations, or private foundations. Aged persons. 42 USC 289h.

Reports.
Public
information.

(2) Within 1 year after the date on which the report required by paragraph (1) is transmitted to the Congress, and annually thereafter, the Council shall transmit to the Congress, and make available to the public, a report on—

(A) the revisions made by the National Institute on Aging, the National Institute of Mental Health, and the National Center for Health Services Research and Health Care Technology Assessment in the plans for research required by part E;

(B) progress made by research sponsored by the Federal Government on Alzheimer's disease and related dementias; and

(C) new directions in research on Alzheimer's disease and related dementias which the Council considers potentially

important.

PART C—ADVISORY PANEL ON ALZHEIMER'S DISEASE

ESTABLISHMENT OF PANEL

42 USC 11221.

SEC. 921. (a) There is established in the Department the Advisory Panel on Alzheimer's Disease (hereinafter referred to as the 'Panel'). The Panel shall be composed of—

(1) 15 voting members appointed by the Director of the Office of Technology Assessment, of which—

(A) 3 shall be individuals who are biomedical research scientists with demonstrated achievements in biomedical research relating to Alzheimer's disease, including at least one individual who is a researcher at a center supported under section 445 of the Public Health Service Act;

42 USC 289h.

(B) 3 shall be individuals with demonstrated achievements in research relevant to services for the care of individuals with Alzheimer's disease and related dementias;

(C) 3 shall be individuals who are providers of services, or administrators of organizations which provide services, for individuals with Alzheimer's disease and related dementias and their families;

(D) 3 shall be individuals who are experts in the financing of health care services and long-term care services, including one individual who is a representative of private health care services insurers; and

(E) 3 shall be representatives of national voluntary organizations which are concerned with the problems of individuals with Alzheimer's disease and related dementias and their families; and

(2) the Chairman of the Council, the Director of the National Institute on Aging, the Director of the National Institute of Mental Health, the Director of the National Center for Health Services Research and Health Care Technology Assessment, and the Commissioner on Aging, who shall be nonvoting ex officio members.

(b) The Director of the Office of Technology Assessment shall appoint members to the Panel under subsection (a)(1) within 90 days after the date of enactment of this Act.

(c) The Secretary shall appoint a Chairman of the Panel from among the members appointed under subsection (a)(1).

(d) Members of the Panel shall serve for the life of the Panel. A vacancy on the Panel shall be filled in the same manner as the original appointment was made. A vacancy on the Panel shall not affect its powers.

(e) A majority of the members of the Panel appointed under subsection (a)(1) shall constitute a quorum, but a lesser number may hold hearings. The Panel may establish such subcommittees as the Panel considers appropriate.

(f) The Panel shall meet at the call of the Chairman, but not less than twice per year.

(g) The Executive Secretary of the Council shall serve as Executive Secretary of the Panel. The Secretary shall provide the Panel with such additional administrative staff and support as may be necessary to enable the Panel to carry out its functions.

(h) Each member of the Panel appointed under subsection (a)(1) shall receive compensation at a rate of $100 per day for each day, including travel time, that such member is engaged in duties as a member of the Panel. While away from their homes or regular places of business in the performance of duties as a member of the Panel, members of the Panel appointed under subsection (a)(1) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under section 5702 of title 5, United States Code.

FUNCTIONS OF THE PANEL

42 USC 11222.

SEC. 922. (a) The Panel shall assist the Secretary and the Council in the identification of priorities and emerging issues with respect to Alzheimer's disease and related dementias and the care of individuals with such disease and dementias. The Panel shall advise the Secretary and the Council with respect to the identification of—

(1) emerging issues in, and promising areas of, biomedical research relating to Alzheimer's disease and related dementias;

(2) emerging issues in, and promising areas of, research relating to services for individuals with Alzheimer's disease and related dementias and their families;

(3) emerging issues and promising initiatives in home and community based services, and systems of such services, for individuals with Alzheimer's disease and related dementias and their families; and

(4) emerging issues in, and innovative financing mechanisms for, payment for health care services and social services for individuals with Alzheimer's disease and related dementias and their families, particularly financing mechanisms in the private sector.

Reports.
Public information.

(b) The Panel shall prepare and transmit to the Congress, the Secretary, and the Council, and make available to the public, an annual report. Such report shall contain such recommendations as the Panel considers appropriate for administrative and legislative actions to improve services for individuals with Alzheimer's disease and related dementias and their families and to provide for promising biomedical research relating to Alzheimer's disease and related dementias.

AUTHORIZATION OF APPROPRIATIONS

42 USC 11223.

SEC. 923. To carry out this part, there are authorized to be appropriated $100,000 for each of the fiscal years 1988 through 1991.

PART D—AWARDS FOR LEADERSHIP AND EXCELLENCE IN ALZHEIMER'S DISEASE AND RELATED DEMENTIAS

AWARDS AUTHORIZED

Research and development.
42 USC 11231.

SEC. 931. (a) The Director of the National Institute on Aging shall make awards to senior researchers who have made distinguished achievements in biomedical research in areas relating to Alzheimer's disease and related dementias. Awards under this section shall be used by the recipients to support research in areas relating to such disease and dementias, and may be used by the recipients to train junior researchers who demonstrate exceptional promise to conduct research in such areas.

(b) The Director of the National Institute on Aging may make awards under this section to researchers at centers supported under

42 USC 289h.
100 STAT. 3808

section 445 of the Public Health Service Act and to researchers at other public and nonprofit private entities.

(c) The Director of the National Institute on Aging shall make awards under this section only to researchers who have been recommended for such awards by the National Advisory Council on Aging.

(d) The Director of the National Institute on Aging shall establish procedures for the selection of the recipients of awards under this section.

(e) Awards under this section shall be made for a one-year period, and may be renewed for not more than six additional consecutive one-year periods.

AUTHORIZATION OF APPROPRIATIONS

Research and development.
42 USC 11232.

SEC. 932. To carry out this part, there are authorized to be appropriated $5,000,000 for each of the fiscal years 1988 through 1991. Amounts authorized to be appropriated under this section are in addition to amounts authorized to be appropriated for biomedical research relating to Alzheimer's disease and related dementias under part E of this title and under other provisions of law.

PART E—RESEARCH RELATING TO SERVICES FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE AND RELATED DEMENTIAS AND THEIR FAMILIES

SUBPART 1—RESPONSIBILITIES OF THE NATIONAL INSTITUTE ON AGING

RESEARCH PROGRAM AND PLAN

Grants.
42 USC 11241.

SEC. 941. (a) The Director of the National Institute on Aging shall conduct, or make grants for the conduct of, research relevant to appropriate services for individuals with Alzheimer's disease and related dementias and their families.

(b)(1) Within 6 months after the date of enactment of this Act, the Director of the National Institute on Aging shall prepare and transmit to the Chairman of the Council a plan for the research to be conducted under subsection (a). The plan shall—

- (A) provide for research concerning—
  - (i) the epidemiology of, and the identification of risk factors for, Alzheimer's disease and related dementias; and
  - (ii) the development and evaluation of reliable and valid multidimensional diagnostic and assessment procedures and instruments; and
- (B) ensure that research carried out under the plan is coordinated with, and uses, to the maximum extent feasible, resources of, other Federal programs relating to Alzheimer's disease and related dementias, including centers supported under section 445 of the Public Health Service Act, centers supported by the National Institute of Mental Health on the psychopathology of the elderly, relevant activities of the Administration on Aging, other programs and centers involved in research on Alzheimer's disease and related dementias supported by the Department, and other programs relating to Alzheimer's disease and related dementias which are planned or conducted by Federal agencies other than the Department, State or local agencies, community organizations, or private foundations.

100 STAT. 3809

(2) Within one year after transmitting the plan required under paragraph (1), and annually thereafter, the Director of the National Institute on Aging shall prepare and transmit to the Chairman of the Council such revisions of such plan as the Director considers appropriate.

(c) In preparing and revising the plan required by subsection (b), the Director of the National Institute on Aging shall consult with the Chairman of the Council and the heads of agencies within the Department.

DISSEMINATION

SEC. 942. The Director of the National Institute on Aging shall disseminate the results of research conducted under this subpart to appropriate professional entities and to the public.

Research and development. 42 USC 11242.

AUTHORIZATION OF APPROPRIATIONS

SEC. 943. To carry out this subpart, there are authorized to be appropriated $2,000,000 for each of fiscal years 1988 through 1991.

42 USC 11243.

Subpart 2—Responsibilities of the National Institute of Mental Health

RESEARCH PROGRAM AND PLAN

SEC. 944. (a) The Director of the National Institute of Mental Health shall conduct, or make grants for the conduct of, research relevant to appropriate services for individuals with Alzheimer's disease and related dementias and their families.

Grants. 42 USC 11251.

(b)(1) Within 6 months after the date of enactment of this Act, the Director of the National Institute of Mental Health shall prepare and transmit to the Chairman of the Council a plan for the research to be conducted under subsection (a). The plan shall—

(A) provide for research concerning—

(i) mental health services and treatment modalities relevant to the mental, behavioral, and psychological problems associated with Alzheimer's disease and related dementias;

(ii) the most effective methods for providing comprehensive multidimensional assessments to obtain information about the current functioning of, and needs for the care of, individuals with Alzheimer's disease and related dementias;

(iii) the optimal range and cost-effectiveness of community and institutional services for individuals with Alzheimer's disease and related dementias and their families, particularly with respect to the design of such services, appropriate staffing for the provision of such services, the timing of such services during the progression of such disease or dementias, and the appropriate mix and coordination of such services;

(iv) the efficacy of various special care units in the United States for individuals with Alzheimer's disease, including an assessment of the costs incurred in operating such units, appropriate standards to be used by such units, and the measurement of patient outcomes in such units;

(v) methods to combine formal support services provided by health care professionals for individuals with Alzheimer's disease and related dementias with informal support services provided for such individuals by their families, friends, and neighbors, including services such as day care services, respite care services, home care services, and nursing home services, and an evaluation of the services actually used for such individuals and the sources of payment for such services;

100 STAT. 3810

(vi) methods to sustain family members who provide care for individuals with Alzheimer's disease and related dementias through interventions to reduce psychological and social problems and physical problems induced by stress; and

(vii) improved methods to deliver services for individuals with Alzheimer's disease and related dementias and their families, including services such as outreach services, comprehensive assessment and care management services, outpatient treatment services, home care services, respite care services, adult day care services, partial hospitalization services, and nursing home services; and

(B) ensure that research carried out under the plan is coordinated with, and uses, to the maximum extent feasible, resources of, other Federal programs relating to Alzheimer's disease and dementia, including centers supported under section 445 of the Public Health Service Act, centers supported by the National Institute of Mental Health on the psychopathology of the elderly, relevant activities of the Administration on Aging, other programs and centers involved in research on Alzheimer's disease and related dementias supported by the Department, and other programs relating to Alzheimer's disease and related dementias which are planned or conducted by Federal agencies other than the Department, State or local agencies, community organizations, or private foundations.

42 USC 289h.

(2) Within one year after transmitting the plan required under paragraph (1), and annually thereafter, the Director of the National Institute of Mental Health shall prepare and transmit to the Chairman of the Council such revisions of such plan as the Director considers appropriate.

(c) In preparing and revising the plan required by subsection (b), the Director of the National Institute of Mental Health shall consult with the Chairman of the Council and the heads of agencies within the Department.

DISSEMINATION

Research and development.
42 USC 11252.

SEC. 945. The Director of the National Institute of Mental Health shall disseminate the results of research conducted under this subpart to appropriate professional entities and to the public.

AUTHORIZATION OF APPROPRIATIONS

42 USC 11253.

SEC. 946. To carry out this subpart, there are authorized to be appropriated $2,000,000 for each of fiscal years 1988 through 1991.

Subpart 3—Responsibilities of the National Center for Health Services Research and Health Care Technology Assessment

RESEARCH PROGRAM AND PLAN

Grants.
42 USC 11261.

SEC. 947. (a) The Director of the National Center for Health Services Research and Health Care Technology Assessment shall conduct, or make grants for the conduct of, research relevant to appropriate services for individuals with Alzheimer's disease and related dementias and their families.

(b)(1) Within 6 months after the date of enactment of this Act, the Director of the National Center for Health Services Research and Health Care Technology Assessment shall prepare and transmit to the Chairman of the Council a plan for the research to be conducted under subsection (a). The plan shall—

(A) provide for the inventory and analysis of existing data and studies relevant to Alzheimer's disease and related dementias, including data and studies available through the Health Care Financing Administration, the Administration on Aging, the National Center for Health Statistics, the Office of Human Development Services, the Office of the Assistant Secretary for Planning and Evaluation, and the Veterans' Administration;

(B) provide for research concerning the costs incurred by individuals with Alzheimer's disease and related dementias in obtaining services, particularly services which are essential to such individuals and which are not needed by other patients under long-term care;

(C) provide for research on the costs of various interventions to provide services for individuals with Alzheimer's disease and related dementias and their families;

(D) provide for research on the cost-effectiveness of various service interventions for individuals with Alzheimer's disease and related dementias and their families; and

(E) ensure that research carried out under the plan is coordinated with, and uses, to the maximum extent feasible, resources of, other Federal programs relating to Alzheimer's disease and dementia, including centers supported under section 445 of the Public Health Service Act, centers supported by the National Institute of Mental Health on psychopathology of the elderly, relevant activities of the Administration on Aging, other programs and centers involved in research on Alzheimer's disease and related dementias supported by the Department, and other programs relating to Alzheimer's disease and related dementias which are planned or conducted by Federal agencies other than the Department, State or local agencies, community organizations, or private foundations.

42 USC 289h.

(2) Within one year after transmitting the plan required under paragraph (1), and annually thereafter, the Director of the National Center for Health Services Research and Health Care Technology Assessment shall prepare and transmit to the Chairman of the Council such revisions of such plan as the Director considers appropriate.

(c) In preparing and revising the plan required by subsection (b), the Director of the National Center for Health Services Research and Health Care Technology Assessment shall consult with the Chairman of the Council and the heads of agencies within the Department.

100 STAT. 3812

DISSEMINATION

Research and development.
42 USC 11262.

SEC. 948. The Director of the National Center for Health Services Research and Health Care Technology Assessment shall disseminate the results of research conducted under this subpart to appropriate professional entities and to the public.

AUTHORIZATION OF APPROPRIATIONS

42 USC 11263.

SEC. 949. To carry out this subpart, there are authorized to be appropriated $2,000,000 for each of fiscal years 1988 through 1991.

Subpart 4—Responsibilities of the Health Care Financing Administration

RESEARCH PROGRAM AND PLAN

Grants.
42 USC 11271.

SEC. 949A. (a) The Administrator of the National Health Care Financing Administration shall conduct, or make grants for the conduct of, research relevant to appropriate services for individuals with Alzheimer's disease and related dementias and their families.

(b)(1) Within 6 months after the date of enactment of this Act, the Administrator of the Health Care Financing Administration shall prepare and transmit to the Chairman of the Council a plan for research to be conducted under (a). The plan shall—

(A) provide for a determination of the types of services required by individuals with Alzheimer's disease and related dementias and their families to allow such individuals to remain living at home or in a community-based setting;

(B) provide for a determination of the costs of providing needed services to individuals with Alzheimer's disease and related dementias and their families, including the expenditures for institutional, home, and community-based services and the source of payment for such expenditures;

(C) provide for an assessment of the adequacy of benefits provided through the Medicare and Medicaid programs and through private health insurance for needed services for individuals with Alzheimer's disease and related dementias and their families; and

(D) provide for a determination of the costs to the Medicare and Medicaid programs and to private health insurers (if available) of providing covered benefits to individuals with Alzheimer's disease and related dementias and their families.

(2) Within one year after transmitting the plan required under paragraph (1), and annually thereafter, the Administrator of the Health Care Financing Administration shall prepare and transmit to the Chairman of the Council such revisions of such plan as the Administrator considers appropriate.

(c) In preparing and revising the plan required by subsection (b), the Administrator of the Health Care Financing Administration shall consult with the Chairman of the Council and the heads of agencies within the Department.

DISSEMINATION

42 USC 11272.

SEC. 949B. The Administrator of the Health Care Financing Administration shall disseminate the results of research conducted under this subpart to appropriate professional entities and to the public.

AUTHORIZATIONS OF APPROPRIATIONS

42 USC 11273.

SEC. 949C. To carry out this subpart, there are authorized to be appropriated $2,000,000 for each of fiscal years 1988 through 1991.

PART F—DISSEMINATION

CLEARINGHOUSE ON ALZHEIMER'S DISEASE

42 USC 11281.

SEC. 951. (a) The Director of the National Institute on Aging shall establish the Clearinghouse on Alzheimer's Disease (hereinafter referred to as the "Clearinghouse"). The purpose of the Clearinghouse is the dissemination of information concerning services available for individuals with Alzheimer's disease and related dementias and their families. The Clearinghouse shall—

Research and development.

(1) compile, archive, and disseminate information concerning research, demonstration, evaluation, and training programs and projects concerning Alzheimer's disease and related dementias; and

Research and development. Education.

(2) annually publish a summary of the information compiled under paragraph (1) during the preceding 12-month period, and make such information available upon request to appropriate individuals and entities, including educational institutions, research entities, and Federal and public agencies.

Communications and telecommunications.

(b) The Clearinghouse may charge an appropriate fee for information provided through the toll-free telephone line established under subsection (a)(3).

(c) The Director of the National Institute on Aging, the Director of the National Institute of Mental Health, and the Director of the National Center for Health Services Research and Health Care Technology Assessment shall provide to the Clearinghouse summaries of the findings of research conducted under part E.

Ante, p. 3808.

DISSEMINATION PROJECT

Grants. Contracts. 42 USC 11282.

SEC. 952. (a) The Director of the National Institute on Aging shall make a grant to, or enter into a contract with, a national organization representing individuals with Alzheimer's disease and related dementias for the conduct of the activities described in subsection (b).

(b) The organization receiving a grant or contract under this section shall—

(1) establish a central computerized information system to—

Science and technology. State and local governments.

(A) compile and disseminate information concerning initiatives by State and local governments and private entities to provide programs and services for individuals with Alzheimer's disease and related dementias; and

(B) translate scientific and technical information concerning such initiatives into information readily understandable by the general public, and make such information available upon request; and

Communications and telecommunications.

(2) establish a national toll-free telephone line to make available the information described in paragraph (1), and information concerning Federal programs, services, and benefits for individuals with Alzheimer's disease and related dementias and their families.

(c) The organization receiving a grant or contract under this section may charge appropriate fees for information provided through the toll-free telephone line established under subsection (b)(2), and may make exceptions to such fees for individuals and organizations who are not financially able to pay such fees.

(d) In order to receive a grant or contract under this section, an organization shall submit an application to the Director of the National Institute on Aging. Such application shall contain—

(1) information demonstrating that such organization has a network of contacts which will enable such organization to receive information necessary to the operation of the central computerized information system described in subsection (b)(1);

(2) information demonstrating that, by the end of fiscal year 1991, such organization will be financially able to, and will, carry out the activities described in subsection (b) without a grant or contract from the Federal Government; and

(3) such other information as the Director may prescribe.

AUTHORIZATION OF APPROPRIATIONS

42 USC 11283.

SEC. 953. To carry out this part, there are authorized to be appropriated $300,000 for each of the fiscal years 1988 through 1991.

PART G—EDUCATIONAL ACTIVITIES

PROVIDING INFORMATION FOR PERSONNEL OF THE SOCIAL SECURITY ADMINISTRATION

42 USC 11291.

SEC. 961. (a) The Secretary shall develop a mechanism to ensure the prompt provision of the most current information concerning Alzheimer's disease and related dementias to the Commissioner of Social Security, particularly information which will increase the understanding of personnel of the Social Security Administration concerning such disease and dementias.

(b) The Commissioner of Social Security shall ensure that information received under subsection (a) is provided to personnel of the Social Security Administration, particularly personnel involved in the process of determining, for purposes of titles II and XVI of the Social Security Act, whether an individual is under a disability.

42 USC 401 *et seq*, 1381 *et seq.*

EDUCATION PROGRAMS FOR PROVIDERS OF CARE FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE

Physicians. Nurses. Psychologists. Social workers. Therapists. 42 USC 11292. 42 USC 289h.

SEC. 962. The Director of the National Institute on Aging, through centers supported under section 445 of the Public Health Service Act, professional associations, and continuing education programs, shall conduct education and information dissemination activities concerning the special problems of individuals with Alzheimer's disease and their families. Such activities shall be designed to enhance the understanding of such problems by individuals who provide care for individuals with Alzheimer's disease and related dementias, including physicians, nurses, psychologists, social workers, occupational therapists, nursing home administrators, nurses, and health care aides.

100 STAT. 3815

EDUCATION PROGRAMS FOR SAFETY AND TRANSPORTATION PERSONNEL

42 USC 11293. 42 USC 289h. Sec. 963. The Director of the National Institute on Aging, through centers supported under section 445 of the Public Health Service Act, training academies, and continuing education programs, shall conduct education and information dissemination activities concerning Alzheimer's disease and related dementias for personnel involved in ensuring the public safety and providing public transportation. Such activities shall be designed to enhance the ability of such personnel to respond appropriately to individuals with Alzheimer's disease and related dementias whom such personnel may encounter in the course of their employment.

AUTHORIZATION OF APPROPRIATIONS

42 USC 11294. Sec. 964. To carry out this part, there are authorized to be appropriated $1,000,000 for each of the fiscal years 1988 through 1991.

Approved November 14, 1986.

LEGISLATIVE HISTORY—S. 1744:

SENATE REPORTS: No. 99-380 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 132 (1986):
 Aug. 12, considered and passed Senate.
 Oct. 17, considered and passed House, amended.
 Oct. 18, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
 Nov. 14, Presidential statement.

LEGISLATIVE ACTS

Public Law 99-439
99th Congress

100 STAT. 1085

An Act

Oct. 2, 1986
[S. 2759]

Relating to telephone services for Senators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1205(a) of the Supplemental Appropriations Act, 1984 (2 U.S.C. 58a) is amended by striking out "(except services for which the charge is based on the amount of time the service is used)".

Approved October 2, 1986.

LEGISLATIVE HISTORY—S. 2759:

SENATE REPORTS: No. 99-404 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Aug. 15, considered and passed Senate.
Sept. 18, considered and passed House.

Public Law 99-608
99th Congress

100 STAT. 3473

An Act

To authorize funds to preserve the official papers of Joseph W. Martin, Jr.

Nov. 6, 1986
[H.R. 4244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE AUTHORIZED.

Joseph W. Martin Institute for Law and Society. Schools and colleges. Massachusetts.

In recognition of the public service of the former Speaker of the United States House of Representatives, Joseph W. Martin, Jr., and of the need for preserving the official papers of Speaker Martin, the Secretary of Education is authorized to provide funds in accordance with the provisions of this Act to assist in the construction of the Joseph W. Martin Institute for Law and Society at Stonehill College, North Easton, Massachusetts.

SEC. 2. CONDITIONS FOR ASSISTANCE.

Research and development.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require in order to certify the amount of eligible funds. All such payments may be used in furtherance of the mission of the Joseph W. Martin Institute for Law and Society to establish a regional and national academic center for scholarship and applied research on the development of domestic and foreign policy during the career of Joseph W. Martin, Jr.

SEC. 3. DURATION OF ASSISTANCE.

Funds appropriated pursuant to this Act shall be made available to Stonehill College on or after October 1, 1986, and prior to the close of the fiscal year ending September 30, 1990.

SEC. 4. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for the fiscal year ending September 30, 1986, and for each of the three succeeding fiscal years, except that the aggregate amount so appropriated shall not exceed $6,000,000. Funds appropriated pursuant to this section shall remain available until expended.

SEC. 5. AUTHORIZATION OF KANSAS EDUCATIONAL SATELLITE VIDEO COMMUNICATIONS CENTER.

Kansas.

(a) The Secretary is authorized to provide financial assistance, in accordance with the provisions of this section, to pay the Federal share of the cost of construction, and related expenses, for the Kansas Educational Satellite Video Communications Center at the Kansas State University located in Manhattan, Kansas, to enable the Kansas State University to establish the Kansas Educational Satellite Video Communications Center in order to produce and disseminate television programming in subject areas of local, regional, national, and international importance.

100 STAT. 3474

(b) No financial assistance may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require.

Appropriations authorization.

(c) There are authorized to be appropriated such sums, not to exceed $6,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

Approved November 6, 1986.

LEGISLATIVE HISTORY—H.R. 4244:

CONGRESSIONAL RECORD, Vol. 132 (1986):
Sept. 16, considered and passed House.
Sept. 30, considered and passed Senate, amended.
Oct. 16, House concurred in Senate amendments.

REVENUE ACTS

Public Law 99-384
99th Congress

100 STAT. 818

An Act

To increase the statutory limit on the public debt.

Aug. 21, 1986
[H.R. 5395]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "$2,111,000,000,000,".

Approved August 21, 1986.

LEGISLATIVE HISTORY—H.R. 5395:

HOUSE REPORTS: No. 99-789 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Aug. 14, considered and passed House.
Aug. 15, considered and passed Senate, amended; House concurred in certain Senate amendment, disagreed to another; Senate receded from its amendment.

Public Law 99-514
99th Congress

100 STAT. 2085

An Act

To reform the internal revenue laws of the United States.

Oct. 22, 1986
[H.R. 3838]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tax Reform Act of 1986.
26 USC 1 *et seq.*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reform Act of 1986".

(b) TABLE OF CONTENTS.—

TITLE I—INDIVIDUAL INCOME TAX PROVISIONS

Subtitle A—Rate Reductions; Increase in Standard Deduction and Personal Exemptions

Sec. 101. Rate reductions.
Sec. 102. Increase in standard deduction.
Sec. 103. Increase in personal exemptions.
Sec. 104. Technical amendments.

Subtitle B—Provisions Related to Tax Credits

Sec. 111. Increase in earned income credit.
Sec. 112. Repeal of credit for contributions to candidates for public office.

Subtitle C—Provisions Related to Exclusions

Sec. 121. Taxation of unemployment compensation.
Sec. 122. Prizes and awards.
Sec. 123. Scholarships.

Subtitle D—Provisions Related to Deductions

Sec. 131. Repeal of deduction for 2-earner married couples.
Sec. 132. 2-percent floor on miscellaneous itemized deductions.
Sec. 133. Medical expense deduction limitation increased.
Sec. 134. Repeal of deduction for State and local sales tax.
Sec. 135. Repeal of deduction for adoption expenses.

Subtitle E—Miscellaneous Provisions

Sec. 141. Repeal of income averaging.
Sec. 142. Limitations on deductions for meals, travel, and entertainment.
Sec. 143. Changes in treatment of hobby loss, etc.
Sec. 144. Deduction for mortgage interest and real property taxes allowable where parsonage allowance or military housing allowance received.

Subtitle F—Effective Dates

Sec. 151. Effective dates.

TITLE II—PROVISIONS RELATING TO CAPITAL COST

Subtitle A—Depreciation Provisions

Sec. 201. Modification of accelerated cost recovery system.
Sec. 202. Expensing of depreciable assets.
Sec. 203. Effective dates; general transitional rules.

Subtitle B—Repeal of Regular Investment Tax Credit

Sec. 211. Repeal of regular investment tax credit.
Sec. 212. Effective 15-year carryback of existing carryforwards of steel companies.
100 STAT. 2086 Sec. 213. Effective 15-year carryback of existing carryforwards of qualified farmers.

Subtitle C—General Business Credit Reduction

Sec. 221. Reduction in tax liability which may be offset by business credit from 85 percent to 75 percent.

Subtitle D—Research and Development Provisions

Sec. 231. Amendments relating to credit for increasing research activities.
Sec. 232. Extension of credit for clinical testing expenses for certain drugs.

Subtitle E—Changes in Certain Amortization Provisions

Sec. 241. Repeal of 5-year amortization of trademark and trade name expenditures.
Sec. 242. Repeal of amortization of railroad grading and tunnel bores.
Sec. 243. Deduction for bus and freight forwarder operating authority.
Sec. 244. Treatment of expenditures for removal of architectural barriers to the handicapped and elderly made permanent.

Subtitle F—Provisions Relating to Real Estate

Sec. 251. Modification of investment tax credit for rehabilitation expenditures.
Sec. 252. Low-income housing credit.

Subtitle G—Merchant Marine Capital Construction Funds

Sec. 261. Provisions relating to merchant marine capital construction funds.

TITLE III—CAPITAL GAINS

Subtitle A—Individual Capital Gains

Sec. 301. Repeal of exclusion for long-term capital gains of individuals.
Sec. 302. 28-percent capital gains rate for taxpayers other than corporations.

Subtitle B—Repeal of Corporate Capital Gains Treatment

Sec. 311. Repeal of corporate capital gains treatment.

Subtitle C—Incentive Stock Options

Sec. 321. Repeal of requirement that incentive stock options are exercisable only in chronological order; modification of $100,000 limitation.

Subtitle D—Straddles

Sec. 331. Year-end rule expanded.

TITLE IV—AGRICULTURE, ENERGY, AND NATURAL RESOURCES

Subtitle A—Agriculture

Sec. 401. Limitation on expensing of soil and water conservation expenditures.
Sec. 402. Repeal of special treatment for expenditures for clearing land.
Sec. 403. Treatment of dispositions of converted wetlands or highly erodible croplands.
Sec. 404. Limitation on certain prepaid farming expenses.
Sec. 405. Tax treatment of discharge of certain indebtedness of solvent farmers.

Subtitle B—Treatment of Oil, Gas, Geothermal, and Hard Minerals

Sec. 411. Treatment of intangible drilling costs and mineral exploration and development costs.
Sec. 412. Modification of percentage depletion rules.
Sec. 413. Gain from disposition of interests in oil, gas, geothermal, or other mineral properties.

Subtitle C—Other Provisions

Sec. 421. Extension of energy investment credit for solar, geothermal, ocean thermal, and biomass property.
Sec. 422. Provisions relating to excise tax on fuels.
Sec. 423. Ethyl alcohol and mixtures thereof for fuel use.

TITLE V—TAX SHELTER LIMITATIONS; INTEREST LIMITATIONS

Subtitle A—Limitations on Tax Shelters

Sec. 501. Limitations on losses and credits from passive activities.
Sec. 502. Transitional rule for low-income housing.
Sec. 503. Extension of at risk limitations to real property.

100 STAT. 2087

Subtitle B—Interest Expense

Sec. 511. Limitations on deduction for nonbusiness interest.

TITLE VI—CORPORATE PROVISIONS

Subtitle A—Corporate Rate Reductions

Sec. 601. Corporate rate reductions.

Subtitle B—Treatment of Stock and Stock Dividends

Sec. 611. Reduction in dividends received deduction.
Sec. 612. Repeal of partial exclusion of dividends received by individuals.
Sec. 613. Nondeductibility of stock redemption expenses.
Sec. 614. Reduction in stock basis for nontaxed portion of extraordinary dividends.

Subtitle C—Limitation on Net Operating Loss Carryforwards and Excess Credit Carryforwards

Sec. 621. Limitation on net operating loss carryforwards.

Subtitle D—Recognition of Gain and Loss on Distributions of Property in Liquidation

Sec. 631. Recognition of gain and loss on distributions of property in liquidation.
Sec. 632. Treatment of C corporations electing subchapter S status.
Sec. 633. Effective dates.
Sec. 634. Study of corporate provisions.

Subtitle E—Other Corporate Provisions

Sec. 641. Special allocation rules for certain asset acquisitions.
Sec. 642. Modification of definition of related party.
Sec. 643. Treatment of amortizable bond premium as interest.
Sec. 644. Provisions relating to cooperative housing corporations.
Sec. 645. Special rules relating to personal holding company tax.
Sec. 646. Certain entitles not treated as corporations.
Sec. 647. Special rule for disposition of stock of subsidiary.

Subtitle F—Regulated Investment Companies

Sec. 651. Excise tax on undistributed income of regulated investment companies.
Sec. 652. Treatment of business development companies.
Sec. 653. Amendments to qualification rules.
Sec. 654. Treatment of series funds as separate corporations.
Sec. 655. Extension of period for mailing notices to shareholders.
Sec. 656. Protection of mutual funds receiving third-party summonses.
Sec. 657. Certain distributions not treated as preferential dividends.

Subtitle G—Real Estate Investment Trusts

Sec. 661. General qualification requirements.
Sec. 662. Asset and income requirements.
Sec. 663. Definition of rents.
Sec. 664. Distribution requirements.
Sec. 665. Treatment of capital gains.
Sec. 666. Modifications of prohibited transaction rules.
Sec. 667. Deficiency dividends of real estate investment trusts not subject to penalty under section 6697.
Sec. 668. Excise tax on undistributed income of real estate investment trusts.
Sec. 669. Effective dates.

Subtitle H—Taxation of Interests in Entities Holding Real Estate Mortgages

Sec. 671. Taxation of real estate mortgage investment conduits.
Sec. 672. Rules for accruing original issue discount on regular interests and similar debt instruments.
Sec. 673. Treatment of taxable mortgage pools.
Sec. 674. Compliance provisions.
Sec. 675. Effective dates.

TITLE VII—ALTERNATIVE MINIMUM TAX

Sec. 701. Alternative minimum tax for individuals and corporations.
100 STAT. 2088 Sec. 702. Study of book and earnings and profits adjustments.

TITLE VIII—ACCOUNTING PROVISIONS

Subtitle A—General Provisions

Sec. 801. Limitation on use of cash method of accounting.
Sec. 802. Simplified dollar-value LIFO method for certain small businesses.
Sec. 803. Capitalization and inclusion in inventory costs of certain expenses.
Sec. 804. Modifications of method of accounting for long-term contracts.
Sec. 805. Repeal of reserve for bad debts of taxpayers other than financial institutions.
Sec. 806. Taxable years of certain entities.

Subtitle B—Treatment of Installment Obligations

Sec. 811. Allocation of indebtedness as payment on installment obligation.
Sec. 812. Disallowance of use of installment method for certain obligations.

Subtitle C—Other Provisions

Sec. 821. Income attributable to utility services.
Sec. 822. Repeal of application of discharge of indebtedness rules to qualified business indebtedness.
Sec. 823. Repeal of deduction for qualified discount coupons.
Sec. 824. Inclusion in gross income of contributions in aid of construction.

TITLE IX—FINANCIAL INSTITUTIONS

Sec. 901. Limitations on bad debt reserves.
Sec. 902. Interest incurred to carry tax-exempt bonds.
Sec. 903. Termination of special 10-year carryback rules for certain financial institutions; new special carryover rules for certain losses.
Sec. 904. Repeal of special reorganization rules for financial institutions.
Sec. 905. Treatment of losses on deposits or accounts in insolvent financial institutions.

TITLE X—INSURANCE PRODUCTS AND COMPANIES

Subtitle A—Policyholder Issues

Sec. 1001. Repeal of exclusion for interest on installment payments of life insurance proceeds.
Sec. 1002. Exclusion from income with respect to structured settlements limited to cases involving physical injury.
Sec. 1003. Denial of deduction for interest on loans from certain life insurance contracts.
Sec. 1004. Deduction for nonbusiness casualty losses covered by insurance allowable only if claim filed.

Subtitle B—Life Insurance Companies

Sec. 1011. Repeal of special life insurance company deduction.
Sec. 1012. Repeal of tax-exempt status for certain organizations providing commercial-type insurance.
Sec. 1013. Operations loss deduction of insolvent companies may offset distributions from policyholders surplus account.

Subtitle C—Property and Casualty Insurance Companies

Sec. 1021. Inclusion in income of 20 percent of unearned premium reserve.
Sec. 1022. Treatment of certain dividends and tax-exempt interest.
Sec. 1023. Discounting of unpaid losses and certain unpaid expenses.
Sec. 1024. Repeal of protection against loss account; revision of special treatment for small companies; combination of parts II and III.
Sec. 1025. Study of treatment of property and casualty insurance companies.

Subtitle D—Miscellaneous Provisions

Sec. 1031. Physicians' and surgeons' mutual protection and interindemnity arrangements or associations.

100 STAT. 2089

TITLE XI—PENSIONS AND DEFERRED COMPENSATION; EMPLOYEE BENEFITS; EMPLOYEE STOCK OWNERSHIP PLANS

Subtitle A—Pensions and Deferred Compensation

PART I—LIMITATIONS ON TAX-DEFERRED SAVINGS

SUBPART A—RULES APPLICABLE TO IRAS

Sec. 1101. Limitations on IRA deductions for active participants in certain pension plans.
Sec. 1102. Nondeductible contributions may be made to individual retirement plans.
Sec. 1103. Spousal deduction allowed where spouse has small amount of earned income.

SUBPART B—OTHER PROVISIONS

Sec. 1105. $7,000 limitation on elective deferrals.
Sec. 1106. Adjustments to limitations on contributions and benefits under qualified plans.
Sec. 1107. Modifications of section 457.
Sec. 1108. Special rules for simplified employee pensions.
Sec. 1109. Deductible contributions permitted under section 501(c)(18) plan.

PART II—NONDISCRIMINATION REQUIREMENTS

SUBPART A—GENERAL REQUIREMENTS

Sec. 1111. Application of nondiscrimination rules to integrated plans.
Sec. 1112. Minimum coverage requirements for qualified plans.
Sec. 1113. Minimum vesting standards.
Sec. 1114. Definition of highly compensated employee.
Sec. 1115. Separate lines of business; compensation.

SUBPART B—OTHER PROVISIONS

Sec. 1116. Cash or deferred arrangements.
Sec. 1117. Nondiscrimination requirements for employer matching contributions and employee contributions.
Sec. 1118. Benefits treated as accruing ratably for purposes of determining whether plan is top-heavy.
Sec. 1119. Modification of rules for benefit forfeitures.
Sec. 1120. Nondiscrimination requirements for tax-sheltered annuities.

PART III—TREATMENT OF DISTRIBUTIONS

Sec. 1121. Minimum distribution requirements.
Sec. 1122. Taxation of distributions.
Sec. 1123. Uniform additional tax on early distributions from qualified retirement plans.
Sec. 1124. Election to treat certain lump sum distributions received during 1987 as received during 1986.

PART IV—MISCELLANEOUS PROVISIONS

Sec. 1131. Adjustments to section 404 limitations.
Sec. 1132. Excise tax on reversion of qualified plan assets to employer.
Sec. 1133. Tax on excess distributions.
Sec. 1134. Treatment of loans.
Sec. 1135. Deferred annuities available only to natural persons.
Sec. 1136. Profits not required for profit-sharing plans.
Sec. 1137. Requirement that collective bargaining agreements be bona fide.
Sec. 1138. Penalty on underpayments attributable to overstatement of pension liabilities.
Sec. 1139. Interest rate assumptions.
Sec. 1140. Plan amendments not required under January 1, 1989.
Sec. 1141. Issuance of final regulations.
Sec. 1142. Secretary to accept applications with respect to section 401(k) plans.
Sec. 1143. Treatment of certain fishermen as self-employed individuals.
Sec. 1144. Acquisition of gold and silver coins by individual retirement accounts.
Sec. 1145. Requirement of joint and survivor annuities and preretirement survivor annuities not to apply to certain plan.
Sec. 1146. Treatment of leased employees.
Sec. 1147. Tax treatment of Federal Thrift Savings Fund.

100 STAT. 2090

Subtitle B—Employee Benefit Provisions

PART I—NONDISCRIMINATION RULES FOR CERTAIN STATUTORY EMPLOYEE BENEFIT PLANS

Sec. 1151. Nondiscrimination rules for coverage and benefits under certain statutory employee benefit plans.

PART II—OTHER PROVISIONS

Sec. 1161. Deductibility of health insurance costs of self-employed individuals.
Sec. 1162. 2-year extension of exclusions for educational assistance programs and group legal plans.
Sec. 1163. $5,000 limit on dependent care assistance exclusion.
Sec. 1164. Tax treatment of faculty housing.
Sec. 1165. Limitation on accrual of vacation pay.
Sec. 1166. Treatment of certain full-time life insurance salesmen.
Sec. 1167. Extension of due date for study of welfare benefit plans.
Sec. 1168. Exclusion from gross income of certain military benefits.

Subtitle C—Changes Relating to Employee Stock Ownership Plans

Sec. 1171. Repeal of employee stock ownership credit.
Sec. 1172. Estate tax deduction for proceeds from sales of employer securities.
Sec. 1173. Provisions relating to loans used to acquire employer securities.
Sec. 1174. Requirements for employee stock ownership plans.
Sec. 1175. Additional qualification requirements.
Sec. 1176. Special ESOP requirements.
Sec. 1177. Transition rules.

TITLE XII—FOREIGN TAX PROVISIONS

Subtitle A—Foreign Tax Credit Modifications

Sec. 1201. Separate application of section 904 with respect to certain categories of income.
Sec. 1202. Deemed paid credit under sections 902 and 960 determined on accumulated basis.
Sec. 1203. Clarification of treatment of separate limitation losses.
Sec. 1204. Foreign taxes used to provide subsidies.
Sec. 1205. Limitation on carryback of foreign tax credits to taxable years beginning before 1987.

Subtitle B—Source Rules

Sec. 1211. Determination of source in case of sales of personal property.
Sec. 1212. Special rules for transportation income.
Sec. 1213. Source rule for space and certain ocean activities.
Sec. 1214. Limitations on special treatment of 80-20 corporations.
Sec. 1215. Rules for allocating interest, etc., to foreign source income.
Sec. 1216. 1-year modification in regulations providing for allocation of research and experimental expenditures.

Subtitle C—Taxation of Income Earned Through Foreign Corporations

Sec. 1221. Income subject to current taxation.
Sec. 1222. Testing controlled foreign corporations and foreign personal holding companies by value and voting power.
Sec. 1223. Subpart F de minimis rule.
Sec. 1224. Repeal of special treatment of possessions corporations.
Sec. 1225. Only effectively connected capital gains and losses of foreign corporations taken into account for purposes of accumulated earnings tax and personal holding company provisions.
Sec. 1226. Deductions for dividends received from certain foreign corporations.
Sec. 1227. Special rule for application of section 954 to certain dividends.

Subtitle D—Special Tax Provisions for United States Persons

Sec. 1231. Modifications to section 936.
Sec. 1232. Treatment of certain persons in Panama.
Sec. 1233. Provisions relating to section 911 exclusion.
Sec. 1234. Foreign compliance provisions.
Sec. 1235. Treatment of certain passive foreign investment companies.
Sec. 1236. Treatment of interest on obligations of the United States received by banks organized in Guam.

100 STAT. 2091

Subtitle E—Treatment of Foreign Taxpayers

Sec. 1241. Branch profits tax.
Sec. 1242. Treatment of deferred payments and appreciation arising out of business conducted within the United States.
Sec. 1243. Treatment under section 877 of property received in tax-free exchanges, etc.
Sec. 1244. Study of United States reinsurance industry.
Sec. 1245. Information with respect to certain foreign-owned corporations.
Sec. 1246. Withholding tax on amounts paid by partnerships to foreign partners.
Sec. 1247. Income of foreign governments.

Sec. 1248. Limitation on cost of property imported from related persons.
Sec. 1249. Treatment of dual residence corporations.

Subtitle F—Foreign Currency Transactions

Sec. 1261. Treatment of foreign currency transactions.

Subtitle G—Tax Treatment of Possessions

PART I—TREATMENT OF GUAM, AMERICAN SAMOA, AND THE NORTHERN MARIANA ISLANDS

Sec. 1271. Authority of Guam, American Samoa, and the Northern Mariana Islands to enact revenue laws.
Sec. 1272. Exclusion of possession source income from the gross income of certain individuals.
Sec. 1273. Treatment of corporations organized in Guam, American Samoa, or the Northern Mariana Islands.

PART II—TREATMENT OF THE VIRGIN ISLANDS

Sec. 1274. Coordination of United States and Virgin Islands income taxes.
Sec. 1275. Virgin Islands corporations allowed possession tax credit.

PART III—COVER OVER OF INCOME TAXES

Sec. 1276. Cover over of income taxes.

PART IV—EFFECTIVE DATE

Sec. 1277. Effective date.

TITLE XIII—TAX-EXEMPT BONDS

Subtitle A—Amendments of Internal Revenue Code of 1954

Sec. 1301. State and local bonds.
Sec. 1302. Repeal of provisions relating to general stock ownership corporations.

Subtitle B—Effective Dates and Transitional Rules

Sec. 1311. General effective dates.
Sec. 1312. Transitional rules for construction or binding agreements, etc.
Sec. 1313. Transitional rules relating to refundings.
Sec. 1314. Special rules for certain bonds issued before August 16, 1986.
Sec. 1315. Transitional rules relating to volume cap.
Sec. 1316. Provisions relating to bonds provided special rules under prior revenue acts.
Sec. 1317. Other transitional rules.
Sec. 1318. Transitional rules for specific facilities.
Sec. 1319. Definitions, etc., relating to effective dates and transitional rules.

TITLE XIV—TRUSTS AND ESTATES; UNEARNED INCOME OF CERTAIN MINOR CHILDREN; GIFT AND ESTATE TAXES; GENERATION-SKIPPING TRANSFER TAX

Subtitle A—Income Taxation of Trusts and Estates

Sec. 1401. Grantor treated as holding any power or interest of grantor's spouse.
Sec. 1402. Limitations to reversionary interest rule exceptions.
Sec. 1403. Taxable year of trusts to be calendar year.
Sec. 1404. Trusts and certain estates to make estimated payments of income taxes.

Subtitle B—Unearned Income of Certain Minor Children

Sec. 1411. Unearned income of certain minor children.

100 STAT. 2092

Subtitle C—Gift and Estate Taxes

Sec. 1421. Information necessary for valid special use valuation election.
Sec. 1422. Gift and estate tax deductions for certain conservation easement donations.
Sec. 1423. Conveyance of certain real and personal property of decedent to charitable foundation treated as charitable contribution.

Subtitle D—Generation Skipping Transfers

Sec. 1431. New tax on generation-skipping transfers.
Sec. 1432. Related amendments.
Sec. 1433. Effective dates.

TITLE XV—COMPLIANCE AND TAX ADMINISTRATION

Subtitle A—Revision of Certain Penalties, Etc.

Sec. 1501. Penalty for failure to file information returns or statements.
Sec. 1502. Increase in penalty for failure to pay tax.
Sec. 1503. Amendments to penalty for negligence and fraud.
Sec. 1504. Increase in penalty for substantial understatement of liability.

Subtitle B—Interest Provisions

Sec. 1511. Differential interest rate.
Sec. 1512. Interest on accumulated earnings tax to accrue beginning on date return is due.

Subtitle C—Information Reporting Provisions

Sec. 1521. Requirement of reporting for real estate transactions.
Sec. 1522. Information reporting on persons receiving contracts from certain Federal agencies.
Sec. 1523. Returns regarding payments of royalties.
Sec. 1524. TINS required for dependents claimed on tax returns.
Sec. 1525. Tax-exempt interest required to be shown on return.

Subtitle D—Provisions Relating to Tax Shelters

Sec. 1531. Modification of tax shelter ratio test for registration of tax shelters.
Sec. 1532. Increased penalty for failure to register tax shelters.
Sec. 1533. Penalty for failure to include tax shelter identification number on return increased to $250.
Sec. 1534. Increased penalty for failure to maintain lists of investors in potentially abusive tax shelters.
Sec. 1535. Clarification of treatment of sham or fraudulent transactions under section 6621(c).

Subtitle E—Estimated Tax Provisions

Sec. 1541. Current year liability test increased from 80 to 90 percent for estimated tax payments by individuals.
Sec. 1542. Certain tax-exempt organizations subject to corporate estimated tax rules.
Sec. 1543. Waiver of estimated penalties for 1986 underpayments attributable to this Act.

Subtitle F—Provisions Regarding Judicial Proceedings

Sec. 1551. Limitations on awarding of court costs and certain fees modified.
Sec. 1552. Failure to pursue administrative remedies.
Sec. 1553. Tax Court practice fee.
Sec. 1554. Clarification of jurisdiction over addition to tax for failure to pay amount of tax shown on return.
Sec. 1555. Authority to require attendance of United States marshals at Tax Court sessions.
Sec. 1556. Changes in certain provisions relating to special trial judges.
Sec. 1557. Effect on retired pay by election to practice law, etc., after retirement.
Sec. 1558. Authorization for appeals from interlocutory orders of the Tax Court.
Sec. 1559. Changes relating to annuities for surviving spouses and dependent children of Tax Court judges.

Subtitle G—Tax Administration Provisions

Sec. 1561. Suspension of statute of limitations if third-party records not produced within 6 months after service of summons.
100 STAT. 2093 Sec. 1562. Authority to rescind notice of deficiency with taxpayer's consent.
Sec. 1563. Authority to abate interest due to errors or delays by the Internal Revenue Service.
Sec. 1564. Suspension of compounding where interest on deficiency suspended.
Sec. 1565. Certain service-connected disability payments exempt from levy.
Sec. 1566. Increase in value of personal property subject to certain listing and notice procedures.
Sec. 1567. Certain recordkeeping requirements.
Sec. 1568. Disclosure of returns and return information to certain cities.
Sec. 1569. Treatment of certain forfeitures.

Subtitle H—Miscellaneous Provisions

Sec. 1571. Withholding allowances to reflect new rate schedules.
Sec. 1572. Report on return-free system.

TITLE XVI—EXEMPT AND NONPROFIT ORGANIZATIONS

Sec. 1601. Certain distributions of low cost articles and exchanges and rentals of member lists by certain organizations not to be treated as unrelated trade or business.
Sec. 1602. Educational activities at convention and trade shows.
Sec. 1603. Tax exemption for certain title-holding companies.
Sec. 1604. Exception to membership organization deduction rules.
Sec. 1605. Tax-exempt status for an organization introducing into public use technology developed by qualified organizations.
Sec. 1606. Definition of government official.
Sec. 1607. Transition rule for acquisition indebtedness with respect to certain land.
Sec. 1608. Treatment of certain amounts paid to or for the benefit of certain institutions of higher education.

TITLE XVII—MISCELLANEOUS PROVISIONS

Sec. 1701. Extension and modification of targeted jobs credit.
Sec. 1702. Certain diesel fuel taxes may be imposed on sales to retailers.
Sec. 1703. Gasoline tax generally collected at terminal level.
Sec. 1704. Exemption from social security coverage for certain clergy.
Sec. 1705. Applicability of unemployment compensation tax to certain services performed for certain Indian tribal governments.
Sec. 1706. Treatment of certain technical personnel.
Sec. 1707. Exclusion for certain foster care payments.
Sec. 1708. Extension of rules for spouses of individuals missing in action.
Sec. 1709. Amendment to the Reindeer Industry Act of 1937.
Sec. 1710. Quality control studies.
Sec. 1711. Adoption assistance agreements under adoption assistance program: payment of nonrecurring expenses related to adoptions of children with special needs.

TITLE XVIII—TECHNICAL CORRECTIONS

Sec. 1800. Coordination with other titles.

Subtitle A—Amendments Related to the Tax Reform Act of 1984

CHAPTER 1—AMENDMENTS RELATED TO TITLE I OF THE ACT

Sec. 1801. Amendments related to deferral of certain tax reductions.
Sec. 1802. Amendments related to tax-exempt entity leasing provisions.
Sec. 1803. Amendments related to treatment of bonds and other debt instruments.
Sec. 1804. Amendments related to corporate provisions.
Sec. 1805. Amendments related to partnership provisions.
Sec. 1806. Amendments related to trust provisions.
Sec. 1807. Amendments related to accounting changes.
Sec. 1808. Amendments related to tax straddle provisions.
Sec. 1809. Amendments related to depreciation provisions.
Sec. 1810. Amendments related to foreign provisions.
Sec. 1811. Amendments related to reporting, penalty, and other provisions.
Sec. 1812. Amendments related to miscellaneous provisions.

CHAPTER 2—AMENDMENTS RELATED TO TITLE II OF THE ACT

Sec. 1821. Amendments related to section 211 of the Act.
Sec. 1822. Amendments related to section 216 of the Act.
Sec. 1823. Amendment related to section 217 of the Act.
Sec. 1824. Amendment related to section 218 of the Act.
Sec. 1825. Amendments related to section 221 of the Act.
Sec. 1826. Amendments related to section 222 of the Act.

100 STAT. 2094

Sec. 1827. Amendments related to section 223 of the Act.
Sec. 1828. Amendment related to section 224 of the Act.
Sec. 1829. Waiver of interest on certain underpayments of tax.
Sec. 1830. Scope of section 255 of the Tax Equity and Fiscal Responsibility Act of 1982.

CHAPTER 3—AMENDMENTS RELATED TO TITLE III OF THE ACT

Sec. 1831. Amendment related to section 301 of the Act.
Sec. 1832. Amendment related to section 303 of the Act.
Sec. 1833. Amendment related to section 305 of the Act.
Sec. 1834. Amendment related to section 311 of the Act.

CHAPTER 4—AMENDMENTS RELATED TO TITLE IV OF THE ACT

Sec. 1841. Amendment related to section 311 of the Act.
Sec. 1842. Amendments related to section 421 of the Act.
Sec. 1843. Amendments related to section 422 of the Act.
Sec. 1844. Amendments related to section 431 of the Act.
Sec. 1845. Amendment related to section 452 of the Act.
Sec. 1846. Amendments related to section 473 of the Act.
Sec. 1847. Amendments related to section 474 of the Act.
Sec. 1848. Amendments related to section 491 of the Act.

CHAPTER 5—AMENDMENTS RELATED TO SECTION 216 OF THE ACT

Sec. 1851. Amendments related to welfare benefit plan provisions.
Sec. 1852. Amendments related to pension plan provisions.
Sec. 1853. Amendments related to fringe benefit provisions.
Sec. 1854. Amendments related to employee stock ownership plans.
Sec. 1855. Amendments related to miscellaneous employee benefit provisions.

CHAPTER 6—AMENDMENTS RELATED TO TITLE VI OF THE ACT

Sec. 1861. Amendments related to section 611 of the Act.
Sec. 1862. Amendment related to section 612 of the Act.
Sec. 1863. Amendment related to section 613 of the Act.
Sec. 1864. Amendments related to section 621 of the Act.
Sec. 1865. Amendment related to section 622 of the Act.
Sec. 1866. Transitional rule for limit on small issue exception.
Sec. 1867. Amendments related to section 624 of the Act.

Sec. 1868. Amendment related to section 625 of the Act.
Sec. 1869. Amendments related to section 626 of the Act.
Sec. 1870. Amendment related to section 627 of the Act.
Sec. 1871. Amendments related to section 628 of the Act.
Sec. 1872. Amendments related to section 631 of the Act.
Sec. 1873. Amendments related to section 632 of the Act.

CHAPTER 7—MISCELLANEOUS PROVISIONS

Sec. 1875. Amendments related to title VII of the Act.
Sec. 1876. Amendments related to title VIII of the Act.
Sec. 1877. Amendments related to title IX of the Act.
Sec. 1878. Amendments related to title X of the Act.
Sec. 1879. Miscellaneous provisions.

CHAPTER 8—EFFECTIVE DATE

Sec. 1881. Effective date.

Subtitle B—Related to Other Programs Affected by the Deficit Reduction Act of 1984

CHAPTER 1—AMENDMENTS RELATED TO SOCIAL SECURITY ACT PROGRAMS

Sec. 1882. Amendments related to coverage of church employees (section 2603 of the Deficit Reduction Act).
Sec. 1883. Technical corrections in other provisions related to Social Security Act programs.

CHAPTER 2—AMENDMENTS RELATED TO UNEMPLOYMENT COMPENSATION PROGRAM

Sec. 1884. Technical corrections in Federal Unemployment Tax Act.

CHAPTER 3—AMENDMENTS RELATED TO TRADE AND TARIFF PROGRAMS

Sec. 1885. Amendments to the tariff schedules.
100 STAT. 2095 Sec. 1886. Technical corrections to countervailing and antidumping duty provisions.
Sec. 1887. Amendments to the Trade Act of 1974.
Sec. 1888. Amendments to the Tariff Act of 1930.
Sec. 1890. Amendments to the Caribbean Basin Economic Recovery Act.
Sec. 1891. Conforming amendments regarding customs brokers.
Sec. 1892. Special effective date provisions for certain articles given duty-free treatment under the Trade and Tariff Act of 1984.
Sec. 1893. Technical amendments relating to customs user fees.

Subtitle C—Miscellaneous

CHAPTER 1—AMENDMENTS RELATED TO THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

Sec. 1895. COBRA technical corrections relating to Social Security Act programs.
Sec. 1896. Extension of time for filing for credit or refund with respect to certain changes involving insolvent farmers.
Sec. 1897. Correction of clerical error in amendments to coal tax.

CHAPTER 2—AMENDMENTS RELATED TO THE RETIREMENT EQUITY ACT OF 1984

Sec. 1898. Technical corrections to the Retirement Equity Act of 1984.

CHAPTER 3—AMENDMENT RELATED TO THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

Sec. 1899. Amendment related to the Child Support Enforcement Amendments of 1984.

CHAPTER 4—MISCELLANEOUS AMENDMENTS CORRECTING ERRORS OF SPELLING, PUNCTUATION, ETC.

Sec. 1899A. Miscellaneous amendments correcting errors of spelling, punctuation, etc.

100 STAT. 2963

LEGISLATIVE HISTORY—H.R. 3838:

HOUSE REPORTS: No. 99-426 (Comm. on Ways and Means) and No. 99-841 (Comm. of Conference).
SENATE REPORTS: No. 99-313 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Dec. 17, considered and passed House.
Vol. 132 (1986): June 4, 9-13, 16-24, considered and passed Senate, amended.
Sept. 25, House agreed to conference report.
Sept 26, 27, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
Oct. 22, Presidential remarks.

SCIENCE ACTS

Public Law 99-382
99th Congress

An Act

To amend the Stevenson-Wydler Technology Innovation Act of 1980 for the purpose of improving the availability of Japanese science and engineering literature in the United States, and for other purposes.

Aug. 14, 1986
[S. 1073]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Japanese Technical Literature Act of 1986".

Japanese Technical Literature Act of 1986.
Science and technology.
15 USC 3701 note.

SEC. 2. Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting immediately after subsection (c) the following new subsection:

"(d) JAPANESE TECHNICAL LITERATURE.—(1) In addition to the duties specified in subsection (c), the Secretary shall establish and, through the National Technical Information Service and such other offices within the Department of Commerce as the Secretary considers appropriate, maintain a program (including an office in Japan) which shall, on a continuing basis—

"(A) monitor Japanese technical activities and developments;

"(B) consult with businesses, professional societies, and libraries in the United States regarding their needs for information on Japanese developments in technology and engineering;

"(C) acquire and translate selected Japanese technical reports and documents that may be of value to agencies and departments of the Federal Government, and to businesses and researchers in the United States; and

"(D) coordinate with other agencies and departments of the Federal Government to identify significant gaps and avoid duplication in efforts by the Federal Government to acquire, translate, index, and disseminate Japanese technical information.

Activities undertaken pursuant to subparagraph (C) of this paragraph shall only be performed on a cost-reimbursable basis. Translations referred to in such subparagraph shall be performed only to the extent that they are not otherwise available from sources within the private sector in the United States.

Reports.
Contracts.

"(2) Beginning in 1986, the Secretary shall prepare annual reports regarding important Japanese scientific discoveries and technical innovations in such areas as computers, semiconductors, biotechnology, and robotics and manufacturing. In preparing such reports, the Secretary shall consult with professional societies and businesses in the United States. The Secretary may, to the extent provided in advance by appropriation Acts, contract with private organizations to acquire and translate Japanese scientific and technical information relevant to the preparation of such reports.

"(3) The Secretary also shall encourage professional societies and private businesses in the United States to increase their efforts to

100 STAT. 812

acquire, screen, translate, and disseminate Japanese technical literature.

Public information

"(4) In addition, the Secretary shall compile, publish, and disseminate an annual directory which lists—

"(A) all programs and services in the United States that collect, abstract, translate, and distribute Japanese scientific and technical information; and

"(B) all translations of Japanese technical documents performed by agencies and departments of the Federal Government in the preceding 12 months that are available to the public.

Reports.

"(5) The Secretary shall transmit to the Congress, within 1 year after the date of enactment of the Japanese Technical Literature Act of 1986, a report on the activities of the Federal Government to collect, abstract, translate, and distribute declassified Japanese scientific and technical information.".

Appropriations authorization.

SEC. 3. There is authorized to be appropriated for fiscal year 1987 the sum of $1,000,000 to carry out the purpose of this Act.

Approved August 14, 1986.

LEGISLATIVE HISTORY—S. 1073:

HOUSE REPORTS: No. 99-618 (Comm. on Science and Technology).
SENATE REPORTS: No. 99-175 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD:
Vol. 131 (1985): Nov. 23, considered and passed Senate.
Vol. 132 (1986): June 23, considered and passed House, amended.
Aug. 1, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
Aug. 14, Presidential statement.

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100 STAT. 813

Public Law 99-383
99th Congress

An Act

Aug. 21, 1986
[H.R. 4184]

To authorize appropriations to the National Science Foundation for the fiscal year 1987, and for other purposes.

National Science Foundation Authorization Act for Fiscal Year 1987.
42 USC 1861 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Year 1987".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated to the National Science Foundation, for fiscal year 1987, the sums set forth in the following categories:

(1) Mathematical and Physical Sciences, $489,870,000.
(2) Engineering, $172,470,000.
(3) Biological, Behavioral, and Social Sciences, $270,500,000.
(4) Geosciences, $298,150,000.
(5) Scientific, Technological, and International Affairs, $47,030,000.
(6) Computer and Information Science and Engineering, $122,980,000.
(7) Program Development and Management, $78,000,000.
(8) United States Antarctic Program, $117,000,000.
(9) Science and Engineering Education, $89,000,000.

(b) Notwithstanding any other provision of this Act, from the amount authorized under subsection (a)—

(1) not less than $33,430,000 is authorized only for purposes of the Social and Economic Sciences Division;

(2) not less than $49,870,000 is authorized only for purposes of the Behavioral and Neural Sciences Division;

(3) not less than $89,060,000 is authorized only for the purposes of the Astronomical Sciences Division; and

(4) not less than $11,500,000 is authorized only for the purposes of the College Science Instrumentation Program.

AVAILABILITY

SEC. 3. (a) Appropriations made under authority provided in sections 2 and 5 shall remain available for obligation for periods specified in the Acts making the appropriations.

(b) To the extent that the total amount appropriated to carry out program activities specified in this Act is less than the total amount authorized to be appropriated for such activities under this Act, all such authorized amounts for such activities or their subactivities shall be reduced proportionally.

OFFICIAL EXPENSES

SEC. 4. From appropriations made under authorizations provided in this Act, not more than $5,000 for fiscal year 1987 may be used for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the National Science Foundation. The determination of the Director will be final and conclusive upon the accounting officers of the Government. 100 STAT. 814

FOREIGN CURRENCY AUTHORIZATION

SEC. 5. In addition to the sums authorized by section 2, not more than $700,000 for fiscal year 1987 are authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be drawn from foreign currencies that the Department of the Treasury determines to be excess to the normal requirements of the United States.

TRANSFERS AUTHORIZED

SEC. 6. (a) Funds may be transferred among the categories listed in section 2(a), so long as the net funds transferred to or from any category do not exceed 10 percent of the amount authorized for that category in section 2.

(b) The Director of the National Science Foundation may propose transfers to or from any category exceeding 10 percent of the amount authorized for that category in section 2. An explanation of any such proposed transfer must be transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives. The proposed transfer may be made only when 30 calendar days have passed after submission of the written explanation.

MISCELLANEOUS AMENDMENTS

SEC. 7. (a) Section 3(a)(6) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(6)) is amended to read as follows:

"(6) to provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies of the Federal Government; and".

(b)(1) Section 6 of the National Science Foundation Act of 1950 (42 U.S.C. 1864a) is amended—

(A) by striking out "(a)" after the section designation; and

(B) by striking out subsection (b).

(2) Section 5316 of title 5, United States Code, is amended by striking out "Assistant Directors, National Science Foundation (4).".

(c) Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended by striking out ", within the limits of funds made available specifically for such purpose pursuant to section 16,".

(d) Section 11 of the National Science Foundation Act of 1950 (42 U.S.C. 1870) is amended—

(1) by striking out "and" at the end of paragraph (i);

(2) by striking out the period at the end of paragraph (j) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(k) during the 5-year period beginning on the date of the enactment of the National Science Foundation Authorization Act for Fiscal Year 1987, to indemnify grantees, contractors, and subcontractors associated with the Ocean Drilling Program under the provisions of section 2354 of title 10, United States Code, with all approvals and certifications required by such indemnification made by the Director.".

TASK FORCE ON WOMEN, MINORITIES, AND THE HANDICAPPED IN SCIENCE AND TECHNOLOGY

Government organization and employees.
State and local governments.
42 USC 1885a note.

SEC. 8. (a) It is the purpose of this section to establish a task force on women, minorities, and the handicapped in science and technology to—

(1) examine the current status of women, minorities, and the handicapped in science and engineering positions in the Federal Government and in federally assisted research programs;

(2) coordinate existing Federal programs designed to promote the employment of women, minorities, and the handicapped in such positions;

(3) suggest cooperative interagency programs for promoting such employment;

(4) identify exemplary State, local, or private sector programs designed to promote such employment; and

(5) develop a long-range plan to advance opportunities for women, minorities, and the handicapped in Federal scientific and technical positions in federally assisted research, and to coordinate the activities of participating agencies with the Committee on Equal Opportunities in Science and Engineering established by section 36 of the National Science Foundation Authorization and Science and Technology Equal Opportunities Act (42 U.S.C. 1885c), after the termination of the task force established by this section.

(b) For purposes of this section, the term "participating agency" means—

(1) the National Science Foundation;
(2) the Department of Health and Human Services;
(3) the National Aeronautics and Space Administration;
(4) the Environmental Protection Agency;
(5) the Department of Agriculture;
(6) the Department of Defense;
(7) the Department of Education;
(8) the Department of Energy;
(9) the Department of Commerce; and
(10) the Department of the Interior.

(c)(1) The task force on women, minorities, and the handicapped in science and technology shall be composed of individuals appointed by participating agencies pursuant to this subsection.

(2) The head of each participating agency shall appoint two individuals to serve as members of the task force. If an appointed member is unable to serve for the duration of the task force, the head of the participating agency who appointed that member shall appoint another individual to fill the vacancy.

(3) Task force members may be appointed from private business, academia, professional associations, or nonprofit foundations.

Reports.

(d) The task force shall prepare and submit a report on its findings and recommendations to the President, the Congress, and the head of each participating agency not later than December 31, 1989.

(e) The Office of Science and Technology Policy shall call the first meeting of the task force not later than 90 days after the date of enactment of this Act, shall ensure that each participating agency has appointed two members, and shall assist the task force to meet its objectives.

100 STAT. 816

(f)(1) Members of the task force not otherwise employed by the Federal Government shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the task force.

(2) The Director of the National Science Foundation shall make provision for administrative support of the task force, and may enter into agreements with the heads of other participating agencies to facilitate the work of the task force.

(g) The task force shall terminate on January 31, 1990.

GREENHOUSE EFFECT REPORT

President of U.S.

SEC. 9. The President shall, at the earliest practical date (but not later than August 1, 1987), submit to the Congress a report on any action taken or proposed to be taken by the Federal Government with respect to the establishment of an International Year of the Greenhouse Effect to occur in calendar year 1991. Such report shall include descriptions of possible international missions and related research and educational activities, and other such activities as the President may consider appropriate.

COMPUTER NETWORK STUDY

Research and development.
42 USC 6614 note.

SEC. 10. (a) The Office of Science and Technology Policy (hereinafter referred to as the "Office") shall undertake a study of critical problems and current and future options regarding communications networks for research computers, including supercomputers, at universities and Federal research facilities in the United States. The study shall include an analysis of—

(1) the networking needs of the Nation's academic and Federal research computer programs, including supercomputer programs, over the period which is fifteen years after the date of enactment of this Act, including requirements in terms of volume of data, reliability of transmission, software compatibility, graphics capability, and transmission security;

(2) the benefits and opportunities that an improved computer network would offer for electronic mail, file transfer, and remote access and communications for universities and Federal research facilities in the United States; and

(3) the networking options available for linking academic and other federally supported research computers, including supercomputers, with a particular emphasis on the advantages and disadvantages, if any, of fiber optic systems.

Reports.

(b) The Office shall submit to the Congress—

(1) within one year after the date of enactment of this Act, a report on findings from the study undertaken pursuant to subsection (a) with respect to needs and options regarding communications networks for university and Federal research supercomputers within the United States; and

(2) within two years after the date of enactment of this Act, a report on findings from the study undertaken pursuant to subsection (a) with respect to needs and options regarding communications networks for all research computers at universities and Federal research facilities in the United States.

100 STAT. 817

REPEAL

SEC. 11. Title IX of the National Defense Education Act of 1959 (42 U.S.C. 1876 et seq.) is repealed.

Approved August 21, 1986.

LEGISLATIVE HISTORY—H.R. 4184 (S. 2184):

HOUSE REPORTS: No. 99-619 (Comm. on Science and Technology).
SENATE REPORTS: No. 99-325 (Comm. on Labor and Human Resources) and No. 99-338 (Comm. on Commerce, Science, and Transportation), both accompanying S. 2184.
CONGRESSIONAL RECORD, Vol. 132 (1986):
June 26, considered and passed House.
Aug. 1, considered and passed Senate, amended, in lieu of S. 2184.
Aug. 6, House concurred in Senate amendment.

SEQUESTRATION ACTS

Public Law 99-255
99th Congress

100 STAT. 39

An Act

To establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.

Mar. 7, 1986
[H.R. 4130]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, the guaranteed loan limitation amount applicable for that fiscal year to loan guarantee commitments under chapter 37 of title 38, United States Code, is an amount equal to $18,200,000,000 reduced by 4.3 percent.**

2 USC 902 note.

38 USC 1801 *et seq.*

Approved March 7, 1986.

LEGISLATIVE HISTORY—H.R. 4130 (S 2052):

HOUSE REPORT No. 99-472 (Comm. on Veterans' Affairs).
SENATE REPORT No. 99-238 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Feb. 25, considered and passed House and Senate.

Public Law 99-322
99th Congress

100 STAT. 494

An Act

To revise further the limitation applicable to chapter 37 of title 38, United States Code, for fiscal year 1986, for the purpose of implementing any order issued by the President for such fiscal year under any law providing for the sequestration of new loan guarantee commitments, and for other purposes.

May 23, 1986
[S. 2416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986", approved March 7, 1986 (Public Law 99-255; 100 Stat. 39), is amended—

2 USC 902 note.

38 USC 1801 *et seq.*

(1) by striking out "guaranteed loan limitation amount" and inserting in lieu thereof "limitation"; and

(2) by striking out "$18,200,000,000" and inserting in lieu thereof "$40,000,000,000".

(b) The title of such Act is amended by striking out "guaranteed loan limitation amount" and inserting in lieu thereof "limitation".

SEC. 2. TREATMENT OF CERTAIN ADMINISTRATIVE EXPENSES.

Housing.
Veterans.
Education.

(a) IN GENERAL.—Section 1824(b) of title 38, United States Code, is amended by adding at the end the following new sentence: "For purposes of this subsection, the term 'administrative expenses' shall not include expenses incurred by the Administrator for appraisals performed after February 1, 1986, on a contractual basis in connection with the liquidation of housing loans guaranteed, insured, or made under this chapter.".

38 USC 1824 note.

(b) USE OF SAVING.—Any saving in the General Operating Expenses Account of the Veterans' Administration that results from the implementation of the amendment made by subsection (a) shall be used by the Administrator of Veterans' Affairs for the purpose of administering the housing, compensation, pension, and education programs in title 38, United States Code, in a more timely manner.

Approved May 23, 1986.

LEGISLATIVE HISTORY—S. 2416:

CONGRESSIONAL RECORD, Vol. 132 (1986):
May 6, considered and passed Senate.
May 20, 21, considered and passed House, amended.
May 21, Senate concurred in House amendments.

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100 STAT. 773

Public Law 99-366
99th Congress

Joint Resolution

July 31, 1986
[H.J. Res. 672]

To ratify the February 1, 1986, sequestration order of the President for Fiscal Year 1986 issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

Effective date.
2 USC 902 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective on and after March 1, 1986, the Congress hereby ratifies and affirms as law the February 1, 1986, sequestration order of the President as issued under section 252(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as affected by laws enacted after February 1, 1986, and before the date of adoption of this joint resolution.

2 USC 902.

Approved July 31, 1986.

LEGISLATIVE HISTORY—H.J. Res. 672 (H.J. Res. 676) (S.J. Res. 374):

HOUSE REPORTS: No. 99-694 accompanying H.J. Res. 676 (Temporary Joint Comm. on Deficit Reduction).
CONGRESSIONAL RECORD, Vol. 132 (1986):
July 17, considered and passed House and Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
July 31, Presidential statement.

TRANSPORTATION ACTS

Public Law 99-368
99th Congress

100 STAT. 775

An Act

To authorize appropriations for fiscal year 1987 for the operation and maintenance of the Panama Canal, and for other purposes.

Aug. 1, 1986
[H.R. 4409]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Panama Canal Commission Authorization Act, Fiscal Year 1987.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Commission Authorization Act, Fiscal Year 1987".

SEC. 2. OPERATING EXPENSES.

There is authorized to be appropriated from the Panama Canal Commission Fund to the Panama Canal Commission (hereafter in this Act referred to as the "Commission") for the fiscal year beginning October 1, 1986, not more than $437,250,000, for necessary expenses of the Commission incurred under the Panama Canal Act of 1979 (Public Law 96-70; 22 U.S.C. 3601 et seq.), including expenses for—

Motor vehicles. Aircraft and aircraft carriers.

(1) the hire of passenger motor vehicles and aircraft;

(2) the purchase of passenger motor vehicles as may be necessary for fiscal year 1987, the number and price of which may not exceed the amount provided in appropriation Acts; except that large heavy duty passenger sedans used to transport employees of the Commission across the Isthmus of Panama may be purchased for the fiscal year 1987 without regard to price limitations set forth in applicable regulations of any department or agency of the United States;

(3) official receptions and representation expenses, except that not more than $43,000 may be made available for such expenses, of which (A) not more than $10,000 may be made available for such expenses of the Supervisory Board of the Commission, (B) not more than $5,000 may be made available for such expenses of the Secretary of the Commission, and (C) not more than $28,000 may be made available for such expenses of the Administrator of the Commission;

(4) the procurement of expert and consultant services as provided in section 3109 of title 5, United States Code;

Housing.

(5) a residence for the Administrator of the Commission;

(6) uniforms, or allowances therefor, as authorized by section 5901 and 5902 of title 5, United States Code;

(7) disbursements by the Administrator of the Commission for employee recreation and community projects; and

(8) the operation of guide services.

SEC. 3. CAPITAL OUTLAY.

Of any funds appropriated pursuant to section 2 of this Act, not more than $27,480,000 (which is authorized to remain available until expended) may be made available for the acquisition, construction, 100 STAT. 776 replacement, and improvement of facilities, structures, and equipment required by the Commission.

SEC. 4. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to the amount authorized to be appropriated by section 2 of this Act, there are authorized to be appropriated to the Commission for the fiscal year 1987 such amounts as may be necessary for—

Wages.

(1) increases in salary, pay, retirement, and other employee benefits provided by law;

TIAS 10030.

(2) covering payments to Panama under paragraph 4(a) of article XIII of the Panama Canal Treaty of 1977, as provided by section 1341(a) of the Panama Canal Act of 1979 (22 U.S.C. 3751(a)); and

Petroleum and petroleum products.

(3) increased costs for fuel.

SEC. 5. AUTHORIZATION OF SIX ADDITIONAL CITIZENS OF THE REPUBLIC OF PANAMA TO RECEIVE INSTRUCTION AT THE UNITED STATES MERCHANT MARINE ACADEMY.

46 USC app. 1295b.

Strike section 1303(b)(7) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295(b)(7)) and substitute the following:

"(7)(A) The Secretary may annually permit, until September 30, 1995, upon approval of the Secretary of State, up to six additional individuals from the Republic of Panama to receive instruction at the Academy, in addition to those individuals appointed under paragraphs (3), (4), (5), and (6) of this subsection.

"(B) The Secretary shall insure that the Republic of Panama reimburse the Secretary for the cost of that instruction (including the same allowances as received by cadets at the Academy appointed from the United States) as determined by the Secretary.

"(C) An individual receiving instructions at the Academy under this paragraph shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as cadets at the Academy appointed from the United States.

"(8) An individual appointed as a cadet under paragraph (3), or receiving instruction under paragraph (4), (5), (6), or (7) of this subsection is not entitled to hold a license authorizing service on a merchant marine vessel of the United States solely by reason of graduation from the Academy.".

SEC. 6. EXEMPTION OF PANAMA CANAL COMMISSION APPROPRIATIONS FROM THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985 (PUBLIC LAW 99-177).

Section 1341 of the Panama Canal Act of 1979 (22 U.S.C. 3751) is amended by adding at the end thereof the following new subsection:

2 USC 901 note.

"(g) Notwithstanding any other provision of law, no reduction under any order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 shall apply to the Commission if the implementation of such an order would result in a payment to the Republic of Panama under paragraph 4(c) of article XIII of the Panama Canal Treaty of 1977 and this section.".

TIAS 10030.

22 USC 3751 note.

100 STAT. 777

SEC. 7. EFFECTIVE DATE OF EXEMPTION FROM AUTOMATIC BUDGET CUTS.

The amendment made by section 6 shall take effect with respect to fiscal year 1986 and subsequent fiscal years.

Approved August 1, 1986.

LEGISLATIVE HISTORY—H.R. 4409:

HOUSE REPORTS: No. 99-536 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 132 (1986):
May 1, considered and passed House.
July 17, considered and passed Senate.

Public Law 99-626
99th Congress

100 STAT. 3504

An Act

To enhance boating safety by requiring a report relating to the display on gasoline pumps of the type of alcohol, the percentage of each type of alcohol, and the percentage of cosolvents, if any, contained in the gasoline; to amend chapter 131 of title 46, United States Code, relating to recreational boating safety; and for other purposes.

Nov. 7, 1986
[H.R. 4731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Recreational Boating Safety Act of 1986.
46 USC 13101 note.

SECTION 1. SHORT TITLE.

This act may be cited as the "Recreational Boating Safety Act of 1986".

SEC. 2. REPORT.

Vessels.

(a) Prior to February 1, 1987, the Secretary shall submit a report to Congress relating to the use of alcohol-blended gasoline in recreational vessels including the following:

Uniformed services.

(1) the results of (1) testing performed and (2) a review of fire and explosion boating incidents, under the recreational boating safety program of the Coast Guard.

(2) a survey of published test data performed in the private sector.

(3) a listing of sales of alcohol-blended gasoline by State and type of alcohol.

State and local governments.

(4) a listing of State requirements for labeling of alcohol-blended gasoline including type of alcohol, percent of alcohol, label requirements, alcohol test standards, enforcement and compliance measures, and any other relevant data.

(5) an assessment of State labeling requirements in promoting recreational boating safety and in providing information to the consumer regarding alcohol-blended gasoline.

(6) a listing of Federally mandated requirements that require labeling of alcohol-blended gasoline or regulate or concern the use of alcohol in gasoline.

(7) a recommendation on how to promote recreational boating safety or advance consumer information regarding the use of alcohol-blended gasoline.

(8) any other relevant data or information.

(b) The Secretary shall consult with appropriate agencies and the National Boating Safety Advisory Council in preparing the report required under this section. If possible, the Secretary shall, under section 13110(b)(2) of title 46, United States Code, appoint members of the general public having knowledge, experience, or expertise with alcohol-blended fuels to a panel of the Council for the purpose of advising the Secretary regarding this report.

100 STAT. 3505

SEC. 3. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

(a) TERMINATION DATE.—(1) Section 13110 of title 46, United States Code, is amended by inserting at the end the following new subsection:

"(e) The Council shall terminate on September 30, 1991.".

(b) CHANGE IN MEMBERSHIP.—(1) Section 13110(a) of title 46, United States Code, is amended—

(A) by striking "not more than"; and

(B) by inserting "recreational" after "experience in";

(2) Paragraph (1) of section 13110(b) of title 46, United States Code, is amended to read as follows:

"(1) The membership of the Council shall consist of—

"(A) 7 members from State officials responsible for State boating safety programs;

"(B) 7 members from recreational vessel manufacturers and associated equipment manufacturers; and

"(C) 7 members from national recreational boating organizations and from the general public, at least 5 of whom shall be members from national recreational boating organizations.".

46 USC 13110 note.

(3) The Secretary of Transportation shall carry out the amendments made by paragraph (2) as vacancies in the membership of the National Boating Safety Advisory Council occur.

SEC. 4. TECHNICAL AMENDMENTS.

(a) Section 13102(a) of title 46, United States Code, is amended by striking "Fund established under section 13107 of this title" and inserting "Boat Safety Account established by section 9504 of the Internal Revenue Code of 1954.".

26 USC 9504.
Ante, p. 446.

(b) Section 13102(a)(4) of title 46, United States Code, is amended by inserting "out" after "carrying".

(c) Section 13106(b) of title 46, United States Code, is amended by striking "may" the second place it appears and inserting "shall" and by striking "or" in paragraph (8) and inserting "and".

SEC. 5. CONVEYANCE AGREEMENT PROVISIONS.

Uniformed services.
Corporations.
Alaska.
43 USC 1601 note.

(a) Under the agreement dated December 9, 1977 between the Commandant of the Coast Guard and Koniag, Incorporated, a regional native corporation, pursuant to Public Law 92-203 (a copy of which is recorded beginning at book 44, page 179 of the Kodiak Recording District, Kodiak, Alaska) and any conveyance made under that agreement, the rights or title conveyed to Koniag, Incorporated, shall be construed to include the following:

Communications and telecommunications.

(1) Under the agreement, welding or other equipment or machinery may be operated or maintained on lands conveyed to Koniag, Incorporated, if the equipment or machinery does not cause harmful electromagnetic interference with the Coast Guard Holiday Beach receiver site or is operated and maintained under terms and conditions mutually agreeable to the Coast Guard and Koniag, Incorporated. Harmful electromagnetic interference is defined as radio frequency signals which disrupt or degrade communications reception performance.

(2) The conveyance of the "old shipyard" includes the wharf and all lands of any nature beneath the wharf.

(3) An access and utility easement is intended as part of the conveyance for parcel 2, known as Cliff Point, which consists of—

100 STAT. 3506

(A) a 100-foot wide access easement along the existing access road or a location that is mutually agreeable to the Coast Guard and Koniag, Incorporated, and includes the right to construct and operate an access road, bridges, guard rails, and other associated improvements; and

(B) a 40-foot wide utility easement adjacent to the access easement in paragraph (3)(A) of this subsection or a location that is mutually agreeable to the Coast Guard and Koniag, Incorporated.

(4) The construction, maintenance, and operation of a dock facility or location of any structure or thing on the premises described in section (c) of schedule 4 of the agreement is not inconsistent with the easement for the barge landing easement and access to and from the barge landing area reserved by the United States Government (hereinafter referred to in this paragraph as the "Government"), if the dock facility is constructed or the structure or thing is located as approved by the Government. Approval by the Government is deemed to be granted if a proposal for the construction and location of the dock facility, structure, or thing is submitted to the Government and—

(A) the Government does not respond within 60 days of receipt of the proposal; or

(B) if a response with recommendations for modification is submitted by the Government within 60 days of receipt of the proposal, the proposal is modified in a manner necessary to reasonably satisfy the requirements of the Government—

(i) to use the dock facility for a barge landing area as contemplated by the easement; and

Highways. Transportation.

(ii) to permit access to and from the barge loading area to public highways for the transportation of materials as specified in Agreement.

(b) All rights or conveyances confirmed by this section are subject to the sanctions in the Agreement referred to in subsection (a).

(c) The Commandant of the Coast Guard or other appropriate Federal officer shall issue the appropriate corrective conveyance and perform any other appropriate ministerial or official act necessary to carry out the purposes of this section within 60 days after the date of enactment of this section.

Contracts. State and local governments. 16 USC 1456a note.

SEC. 6. AUTHORITY TO MAKE LOANS.

The authority of the Secretary of Commerce to make loans under paragraph (1) of subsection (d) of section 308 of the Coastal Zone Management Act of 1972 (Public Law 92-583, 16 U.S.C. 1451, et seq.) as amended, shall extend to September 30, 1987, for loans made to eligible States or units pursuant to and in accord with agreements entered into between the Secretary and any State prior to September 30, 1986, that provided for a total sum of loans to be made to that State or its units, but such loan authority shall be limited to $7,000,000.

Grants. State and local governments.

SEC. 7. AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT OF 1972.

Section 318 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464) is amended by adding at the end thereof the following:

"(d) The amount of any grant, or portion of a grant, made to a State under any section of this Act which is not obligated by such State during the fiscal year, or during the second fiscal year after 100 STAT. 3507 the fiscal year, for which it was first authorized to be obligated by such State shall revert to the Secretary. The Secretary shall add such reverted amount to those funds available for grants under the section for such reverted amount was originally made available.".

Approved November 7, 1986.

LEGISLATIVE HISTORY—H.R. 4731:

HOUSE REPORTS: No. 99-968 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 132 (1986):
Oct. 6, considered and passed House.
Oct. 18, considered and passed Senate, amended; House concurred in Senate amendments.

Public Law 99-640
99th Congress

100 STAT. 3545

An Act

To authorize appropriations for the Coast Guard for fiscal year 1987, and for other purposes.

Nov. 10, 1986
[H.R. 4208]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coast Guard Authorization Act of 1986".

Coast Guard Authorization Act of 1986. Uniformed services. Vessels.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1987, as follows:

(1) For the operations and maintenance of the Coast Guard, $1,862,800,000, of which not more than $20,000,000 may be made available to the Commandant of the Coast Guard for discretionary use in meeting unanticipated demands and needs for Coast Guard operation and maintenance; and for increases in salary, pay, and other employee benefits authorized by law, such sums as may be necessary.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $267,000,000, to remain available until expended.

(3) For research, development, test, and evaluation, $20,000,000, to remain available until expended.

(4) For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act, $364,000,000.

10 USC 1071–1085, 3687 note.

(5) If funds are appropriated to any other officer of the United States for carrying out the purposes described in paragraphs (1) through (4) of this section, such officer may transfer to the Secretary of the department in which the Coast Guard is operating the full amount of such funds. Such funds shall be allocated by the Secretary to such purposes.

AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING

SEC. 3. (a) For fiscal year 1987, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,200. The authorized strength does not include members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code.

(b) For fiscal year 1987, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 3,200 student-years.

(2) For flight training, 110 student-years.

(3) For professional training in military and civilian institutions, 441 student-years.

(4) For officer acquisition, 925 student-years.

TRANSFER OF FUNDS

SEC. 4. (a) Whenever the Secretary of the department in which the Coast Guard is operating determines it to be in the national interest, the Secretary may transfer not to exceed 5 percent of the funds appropriated for the purposes described in section 2(2) of this Act to the Commandant at the Coast Guard for discretionary use in meeting unanticipated demands and needs for Coast Guard operations and maintenance under section 2(1) of this Act.

(b) No transfer of funds may occur under subsection (a) of this section until 15 days after the Secretary has provided written notification to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Appropriations Committees of the Senate and House of Representatives stating the reasons for such determination and a description of the purposes for which the funds proposed to be transferred will be used.

LIMITATIONS ON CONTRACTING PERFORMED BY THE COAST GUARD

10 USC 2304 note.

SEC. 5. (a)(1) It is in the national interest for the Coast Guard to maintain a logistics capability (including personnel, equipment, and facilities) to provide a ready and controlled source of technical competence and resources necessary to ensure the effective and timely performance of Coast Guard missions in behalf of the security, safety, and economic and environmental well-being of the United States.

(2)(A) The Secretary of the department in which the Coast Guard is operating shall identify those Coast Guard activities that are necessary to maintain the logistics capability described in paragraph (1) of this subsection. The Secretary shall provide a list of such activities to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives not later than January 31, 1987. If the Secretary does not provide such list by that date, no activity performed by Coast Guard personnel may be contracted for performance by non-government personnel after such date until the list is provided to such committees.

(B) The list submitted by the Secretary under this paragraph shall not include—

(i) any activity that is being performed under contract by non-government personnel on the date of enactment of this Act; or

(ii) any activity for which Congress received, prior to April 1, 1986, a written notification pursuant to section 14(b)(2) of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2864) of intent to contract.

(b)(1) Except as provided in paragraph (2) of this subsection, performance of an activity identified by the Secretary under subsection (a)(2) of this section may not be contracted for performance by non-government personnel.

(2) The Secretary may waive paragraph (1) of this subsection with respect to any Coast Guard activity (other than an activity described in subsection (d) of this section), if the Secretary determines that the performance of such activity by Government personnel is no longer necessary to ensure the effective and timely performance of Coast Guard missions.

100 STAT. 3547

(3) A waiver under paragraph (2) of this subsection may not take effect until a period of 30 days in which either the Senate or House of Representatives is in session has expired after the Secretary has submitted in writing to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives a full and complete statement concerning the waiver and the reasons therefor.

(c) Before the beginning of fiscal year 1987, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives a list of Coast Guard activities that are to be considered for performance by contract by non-Government personnel under the procedures of Office of Management and Budget Circular A-76 during that fiscal year.

State and local governments.
Employment and unemployment.

(d)(1) Notwithstanding any other provision of law, each contract awarded by the Coast Guard in fiscal year 1987 for construction or services to be performed in whole or in part in a State which has an unemployment rate in excess of the national average rate of unemployment (as determined by the Secretary of Labor) shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. The Secretary of the department in which the Coast Guard is operating may waive the requirements of this subsection in the interest of national security or economic efficiency.

(2) As used in this subsection, the term "local resident" means an individual within daily commuting distance even if not a resident of the State which has an unemployment rate in excess of the national average rate of unemployment (as determined by the Secretary of Labor), in accordance with paragraph (1) of this subsection.

MARITIME DEFENSE ZONE

SEC. 6. Section 2 of title 14, United States Code, is amended by inserting immediately before the period at the end thereof the following: ", including the fulfillment of Maritime Defense Zone command responsibilities."

BOAT SAFETY PROGRAM

SEC. 7. (a) Section 9503(c)(4) of title 26, United States Code, is amended—

(1) in subparagraph (A), by striking "45,000,000" each place it appears and inserting in lieu thereof "60,000,000" for Fiscal Year 1987 only and $45,000,000 for each Fiscal Year thereafter;" and (2) by adding at the end thereof the following:

Taxes.

"(E) DETERMINATION.—The amount of payments made under this paragraph after October 1, 1986 shall be determined by the Secretary in accordance with the methodology described in the Treasury Department's Report to Congress of June 1986 entitled 'Gasoline Excise Tax Revenues Attributable to Fuel Used in Recreational Motorboats.' Further, a portion of the payments made by the Secretary from Fiscal Year 1987 motorfuel excise tax receipts shall be used to increase the funding for boating safety programs during Fiscal Year 1987 only."

(b) Section 13106(c) of title 46, United States Code, is amended by striking "one-third" and inserting in lieu thereof "one-half for Fiscal Year 1987 and one-third for each Fiscal Year thereafter."

State and local governments. 46 USC 13103 note.

(c) Section 13106(a) of title 46, United States Code, is amended by striking "two-thirds" and inserting in lieu thereof "one-half for Fiscal Year 1987 and two-thirds for each Fiscal Year thereafter".

(d) Before making any allocation under this section for a fiscal year, the Secretary shall retain not less than one percent nor more than two percent of the amount appropriated for that year for State recreational boating safety programs for the payment of costs of administration of this chapter.

PAYMENT OF INTEREST TO COAST GUARD AUXILIARY

SEC. 8. Section 830 of title 14, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof the following:

Claims.

"(b) The Secretary may pay interest on a claim under this section in any case in which a payment authorized under this section is not made within 60 days after the submission of the claim in a manner prescribed by the Secretary. The rate of interest for purposes of this section shall be the annual rate established under section 6621 of the Internal Revenue Code of 1954.".

26 USC 6621.

USE OF COAST GUARD AUXILIARY

14 USC 821 note.

SEC. 9. (a) It is the sense of the Congress that the Coast Guard Auxiliary performs a broad range of services in behalf of the safety and security of the American people, and that the continued strength and vitality of the Coast Guard Auxiliary is important to the United States.

Reports.

(b)(1) The Secretary of Transportation shall investigate and submit to the Congress a report within 1 year after the date of enactment of this Act regarding—

(A) the extent to which membership of the Coast Guard Auxiliary has declined in recent years and the causes of such decline;

(B) the effect, if any, on the maritime community of any such decline in the performance levels of the Coast Guard Auxiliary in the areas of life-saving, assistance to persons in distress, safety patrols and inspections, and support missions for the Coast Guard; and

(C) the effect, if any, of the Coast Guard's non-emergency assistance policy on the overall effectiveness of the Coast Guard Auxiliary.

(2) The report submitted by the Secretary under this section shall include such recommendations for legislative and administrative action as the Secretary considers appropriate to achieve and maintain the Coast Guard Auxiliary at its optimum strength.

Reports.

MISCELLANEOUS AMENDMENTS TO TITLE 14 AND TITLE 46

SEC. 10. (a)(1) The analysis of parts, before section 1 of title 14, United States Code, is amended by striking

"II. Coast Guard Reserve and Auxiliary .... 751"

100 STAT. 3549

and inserting in lieu thereof

"II. Coast Guard Reserve and Auxiliary .... 701".

(2) The analysis of chapters of part II of title 14, United States Code, is amended by striking

"21. Coast Guard Reserve .... 751"

and inserting in lieu thereof

"21. Coast Guard Reserve .... 701".

(3) Section 82 of title 14, United States Code, is amended by striking "Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.)" and inserting in lieu thereof "Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)".

(4) Section 91 of title 14, United States Code, is amended to read as follows:

"§ 91. Safety of naval vessels

"(a) The Secretary may control the anchorage and movement of any vessel in the navigable waters of the United States to ensure the safety or security of any United States naval vessel in those waters.

"(b) If the Secretary does not exercise the authority in subsection (a) of this section and immediate action is required, the senior naval officer present in command may control the anchorage or movement of any vessel in the navigable waters of the United States to ensure the safety and security of any United States naval vessel under the officer's command.

"(c) If a person violates, or a vessel is operated in violation of, this section or a regulation or order issued under this section, the person or vessel is subject to the enforcement provisions in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).".

(5) Section 146 of title 14, United States Code, is amended by striking "Postmaster General" and inserting in lieu thereof "United States Postal Service".

(6)(A) Sections 431, 433, 434, and 438 of title 14, United States Code, are repealed, except that the repeal of such sections shall not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun under such sections before the date of enactment of this Act.

(B) The analysis of chapter 11 of title 14, United States Code, is amended by striking the items relating to sections 431, 433, 434, and 438.

(7) Section 432(g) of title 14, United States Code, is amended—

(A) by inserting "(1)" immediately after "(g)"; and

(B) by striking the last paragraph and inserting in lieu thereof the following:

"(2) The additional compensation authorized by this subsection shall be included in any computation of compensation under section 6 of the Act of June 20, 1918 (33 U.S.C. 763).".

(8) Section 829 of title 14, United States Code, is amended by striking "Section" and inserting in lieu thereof "section".

(9) The first section of the Act entitled "An Act to require authorization for certain appropriations for the Coast Guard, and for other purposes", approved June 21, 1963 (77 Stat. 68; 14 U.S.C. 92, note), is repealed.

(b)(1) Section 2101(11b) of title 46, United States Code, is amended by inserting "freezing," immediately after "icing,".

(2)(A) Chapter 75 of title 46, United States Code, is amended by adding at the end the following new section:

46 USC 7504.

"§ 7504. Travel and expense reimbursement

"When a requirement to qualify for the issuance of, or endorsement on, a certificate, license, or document under this part is administered at a place at the request of an applicant or an applicant's representative, the applicant or representative may reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the administration of the requirement. Amounts received as reimbursement under this section shall be credited to the appropriation for operating expenses of the Coast Guard.".

(B) The analysis of chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"7504. Travel and expense reimbursement.".

(3) Section 10101 (1) and (3) of title 46, United States Code, is amended by striking "owned by a citizen of the United States".

(4) Sections 10313 (e) and (h), 10314(e), 10504(a), and 10505(d) of title 46, United States Code, are amended by striking the last sentence.

(5) Section 10504(d)(3) of title 46, United States Code, is amended by striking "(except a vessel taking oysters)".

MANNING REQUIREMENTS OF MOBILE OFFSHORE DRILLING UNITS

SEC. 11. (a) Section 2101 of title 46, United States Code, is amended by inserting immediately after paragraph (15) the following:

"(15a) 'mobile offshore drilling unit' means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.".

(b) Section 8101(a) of title 46, United States Code, is amended to read as follows:

42 USC 3101.

"(a) The certificate of inspection issued to a vessel under part B of this subtitle shall state the complement of licensed individuals and crew (including lifeboatmen) considered by the Secretary to be necessary for safe operation. A manning requirement imposed on—

"(1) a sailing school vessel shall consider the participation of sailing school instructors and sailing school students in the operation of that vessel; and

"(2) a mobile offshore drilling unit shall consider the specialized nature of the unit.".

(c) Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(8) a mobile offshore drilling unit with respect to individuals, other than crew members required by the certificate of inspection, engaged on board the unit for the sole purpose of carrying out the industrial business or function of the unit.".

(d) Section 8301(c) of title 46, United States Code, is amended by inserting ", a mobile offshore drilling unit when on location," immediately after "vessel".

TOWING LICENSE

SEC. 12. (a) Section 8904 of title 46, United States Code, is amended—

(1) by inserting "(a)" immediately before "A towing"; and

(2) adding at the end thereof the following:

"(b) A vessel that tows a disabled vessel for consideration shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.".

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1988.

Effective date. 46 USC 8904 note.

FORFEITED VESSELS

Gifts and property. Schools and colleges. 40 USC 484d.

SEC. 13. (a) Whenever a vessel is forfeited to the United States, the vessel may be donated, in accordance with procedures under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to an educational institution with a commercial fishing vessel safety program or other vessel safety, education and training program, if the institution has certified to the Federal officer referred to in subsection (b) of this section that the program includes at a minimum the following courses in vessel safety:

(1) vessel stability;
(2) firefighting;
(3) shipboard first aid;
(4) marine safety and survival; and
(5) seamanship rules of the road.

(b) The donation of a vessel under this section shall be made on terms and conditions considered appropriate by the Federal officer making such donation, including requirements that—

(1) the educational institution must accept the vessel as is, where it is, and without warranty of any kind and without any representation as to its condition or suitability for use.

(2) the educational institution shall be responsible for maintaining the vessel;

(3) the vessel shall be used only for instructing students in vessel safety education and training programs;

(4) if the vessel is eligible to be documented, it must be documented by the educational institution as a vessel of the United States under chapter 121 of title 46, United States Code, and the requirements of paragraph (5) of this subsection shall be noted on the permanent record of the vessel;

Records.

46 USC 12101 *et seq.*

(5) the educational institution must obtain the prior approval of the Administrator of General Services before disposing of the vessel, and any proceeds from the disposal of the vessel shall be payable to the United States Government; and

(6) the vessel shall be inspected or regulated in the same manner as a nautical school vessel under chapter 33 of title 46, United States Code.

46 USC 3301 *et seq.*

(c) The United States shall not be liable in an action arising out of the transfer or use of a vessel that has been transferred under this section.

(d) Section 2101(17) of title 46, United States Code, is amended by inserting immediately before the period the following: "or an educational institution under section 13 of the Coast Guard Authorization Act of 1986".

(e) Section 3305(c) of title 46, United States Code, is amended by inserting immediately after "school" the second place it appears the following: "or by an educational institution under section 13 of the Coast Guard Authorization Act of 1986".

LIMITATION ON TRAINING

South Africa.

SEC. 14. Notwithstanding any other provision of law, no training or course of instruction may be provided by the Coast Guard to employees of the government or to members of the armed services of the Republic of South Africa during fiscal year 1987.

STATUS REPORTS ON POLAR ICEBREAKING VESSELS

14 USC 663 note.

SEC. 15. The Secretary of the department in which the Coast Guard is operating shall provide detailed reports to Congress concerning the status of design and construction plans for the procurement of at least two new polar icebreaking vessels. Such reports shall be included in the Cutter Plan required annually by section 663 of title 14, United States Code, and shall be submitted each year until at least two new polar icebreaking vessels have been delivered to the Coast Guard.

VESSEL SAFETY

SEC. 16. Section 4102 of title 46, United States Code, is amended by adding at the end thereof the following:

Fish and fishing.

"(e) Each uninspected fishing, fish processing, or fish tender vessel operating on the high seas shall be equipped with the number and type of emergency position indicating radio beacons prescribed by regulation.".

PROSECUTIONS OF MARITIME DRUG TRAFFICKERS

21 USC 955a–955d.

SEC. 17. The Act entitled "An Act to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes", approved September 15, 1980 (Public Law 96–350; 94 Stat. 1159) is amended by striking everything immediately after the enacting clause and inserting in lieu thereof the following:

46 USC app. 1901.

"That this Act may be cited as the 'Maritime Drug Law Enforcement Act'.

Defense and national security.
46 USC app. 1902.

"SEC. 2. The Congress finds and declares that trafficking in controlled substances aboard vessels is a serious international problem and is universally condemned. Moreover, such trafficking presents a specific threat to the security and societal well-being of the United States.

46 USC app. 1903.

"SEC. 3. (a) It is unlawful for any person on board a vessel of the United States, or on board a vessel subject to the jurisdiction of the United States, to knowingly or intentionally manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance.

"(b) For purposes of this section, a 'vessel of the United States' means—

46 USC 12101 *et seq.*
46 USC 12301 *et seq.*

"(1) a vessel documented under chapter 121 of title 46, United States Code, or a vessel numbered as provided in chapter 123 of that title;

"(2) a vessel owned in whole or part by—

"(A) the United States or a territory, commonwealth, or possession of the United States;

"(B) a State or political subdivision thereof;

100 STAT. 3553

"(C) a citizen or national of the United States; or

"(D) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States;

13 UST 2312.

unless the vessel has been granted the nationality of a foreign nation in accordance with article 5 of the 1958 Convention on the High Seas; and

"(3) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

"(c)(1) For purposes of this section, a 'vessel subject to the jurisdiction of the United States' includes—

"(A) a vessel without nationality;

"(B) a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of article 6 of the 1958 Convention on the High Seas;

"(C) a vessel registered in a foreign nation where the flag nation has consented or waived objection to the enforcement of United States law by the United States;

"(D) a vessel located within the customs waters of the United States; and

"(E) a vessel located in the territorial waters of another nation, where the nation consents to the enforcement of United States law by the United States.

Consent or waiver of objection by a foreign nation to the enforcement of United States law by the United States under subparagraph (C) or (E) of this paragraph may be obtained by radio, telephone, or similar oral or electronic means, and may be proved by certification of the Secretary of State or the Secretary's designee.

Communications and telecommunications.

"(2) For purposes of this section, a 'vessel without nationality' includes—

Claims.

"(A) a vessel aboard which the master or person in charge makes a claim of registry, which claim is denied by the flag nation whose registry is claimed; and

"(B) any vessel aboard which the master or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of nationality or registry for that vessel.

A claim of registry under subparagraph (A) may be verified or denied by radio, telephone, or similar oral or electronic means. The denial of such claim of registry by the claimed flag nation may be proved by certification of the Secretary of State or the Secretary's designee.

Communications and telecommunications.

"(3) For purposes of this section, a claim of nationality or registry only includes:

Claims.

"(A) possession on board the vessel and production of documents evidencing the vessel's nationality in accordance with article 5 of the 1958 Convention on the High Seas;

"(B) flying its flag nation's ensign or flag; or

"(C) a verbal claim of nationality or registry by the master or person in charge of the vessel.

"(d) A claim of failure to comply with international law in the enforcement of this Act may be invoked solely by a foreign nation, and a failure to comply with international law shall not divest a court of jurisdiction or otherwise constitute a defense to any proceeding under this Act.

Claims.

100 STAT. 3554

"(e) This section does not apply to a common or contract carrier or an employee thereof, who possesses or distributes a controlled substance in the lawful and usual course of the carrier's business or to a public vessel of the United States, or any person on board such a vessel who possesses or distributes a controlled substance in the lawful course of such person's duties, if the controlled substance is a part of the cargo entered in the vessel's manifest and is intended to be lawfully imported into the country of destination for scientific, medical, or other legitimate purposes. It shall not be necessary for the United States to negative the exception set forth in this subsection in any complaint, information, indictment, or other pleading or in any trial or other proceeding. The burden of going forward with the evidence with respect to this exception is upon the person claiming its benefit.

Imports.

"(f) Any person who violates this section shall be tried in the United States district court at the point of entry where that person enters the United States, or in the United States District Court of the District of Columbia.

"(g)(1) Any person who commits an offense defined in this section shall be punished in accordance with the penalties set forth in section 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 960).

"(2) Notwithstanding paragraph (1) of this subsection, any person convicted of an offense under this Act shall be punished in accordance with the penalties set forth in section 1012 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 962) if such offense is a second or subsequent offense as defined in section 1012(b) of that Act.

"(h) This section is intended to reach acts of possession, manufacture, or distribution committed outside the territorial jurisdiction of the United States.

"(i) The definitions in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) apply to terms used in this Act.

"(j) Any person who attempts or conspires to commit any offense defined in this Act is punishable by imprisonment or fine, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

46 USC app. 1904.

"SEC. 4. Any property described in section 511(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a)) that is used or intended for use to commit, or to facilitate the commission of, an offense under this Act shall be subject to seizure and forfeiture in the same manner as similar property seized or forfeited under section 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881).".

AUTHORITY TO ISSUE CERTAIN CERTIFICATES

SEC. 18. Notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of 100 STAT. 3555 the enactment of this Act, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for the following vessels: Dunes Spirit, United States official number 690176; Kodiak Queen, United States official number 507891; La Reina, United States official number 230115; Northwind, United States official number 230147; and Wanderbird, United States official number 229607.

Approved November 10, 1986.

LEGISLATIVE HISTORY—H.R. 4208:

HOUSE REPORTS: No. 99-547 (Comm. on Merchant Marine and Fisheries).
SENATE REPORTS: No. 99-530 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 132 (1986):
May 6, considered and passed House.
Oct. 16, considered and passed Senate, amended; House concurred in Senate amendment.

VETERANS ACT

Public Law 99-576
99th Congress

100 STAT. 3248

An Act

To amend title 38, United States Code, to increase the rates of compensation and dependency and indemnity compensation for veterans and survivors, and to improve veterans' health-care, education, employment, housing, and national cemetery programs, and for other purposes.

Oct. 28, 1986
[H.R. 5299]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Benefits Improvement and Health-Care Authorization Act of 1986.
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Improvement and Health-Care Authorization Act of 1986".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—COMPENSATION INCREASES AND OTHER COMPENSATION MATTERS

Sec. 101. Disability compensation.
Sec. 102. Additional compensation for dependents.
Sec. 103. Clothing allowance for certain disabled veterans.
Sec. 104. Dependency and indemnity compensation for surviving spouses.
Sec. 105. Dependency and indemnity compensation for children.
Sec. 106. Supplemental dependency and indemnity compensation for children.
Sec. 107. Effective date for rate increases.
Sec. 108. Improved benefits for former prisoners of war.
Sec. 109. Special consideration for loss of paired organs or extremities.

TITLE II—HEALTH CARE AND MEDICAL FACILITIES

Part A—Health-Care Programs

Sec. 201. Respite care.
Sec. 202. Home health services.
Sec. 203. Continuation of certain counseling services for a deceased veteran's family members.
Sec. 204. Transition period for readjustment counseling centers.
Sec. 205. Therapeutic and rehabilitative activities.
Sec. 206. Contracts and grants for medical care for United States veterans in the Republic of the Philippines.

Part B—Health-Care Administration

Sec. 211. Enforcement of State and local traffic laws by Veterans' Administration police officers.
Sec. 212. Regional medical education centers.
Sec. 213. Period of obligated service under scholarship program.
Sec. 214. Period of appointment of certain temporary and part-time health-care personnel.
Sec. 215. Report on a national drug file.

100 STAT. 3249

Sec. 216. Stipend for participation in study of Vietnam-era veterans' psychological problems.

Part C—Facility Construction and Planning

Sec. 221. Consideration of sharing Department of Defense facilities.
Sec. 222. Annual report on facilities construction.
Sec. 223. Parking facilities.
Sec. 224. Revision of State home construction grant program.

Part D—Miscellaneous

Sec. 231. Modification of certain reporting requirements.
Sec. 232. Ionizing Radiation Registry.
Sec. 233. Requirement for Medicare hospitals to participate in Veterans' Administration contract health-care program.
Sec. 234. Prohibition against excessing of certain Veterans' Administration properties.
Sec. 235. Report on treatment and services for chronically mentally ill veterans.
Sec. 236. Designation of Veterans' Administration Medical Center in Phoenix, Arizona.
Sec. 237. Technical amendments.

TITLE III—EDUCATION AND EMPLOYMENT

Part A—Education

Sec. 301. Apprenticeship or other on-job training under the New GI Bill.
Sec. 302. Educational assistance for correspondence courses under the New GI Bill.
Sec. 303. Provisions relating to reduction of pay in the New GI Bill.
Sec. 304. Advisory committee amendments.
Sec. 305. Certification under New GI Bill.
Sec. 306. Bar to duplication of benefits.
Sec. 307. Adjustment of delimiting period for individuals entitled to certain combined benefits.
Sec. 308. Work-study allowance under the New GI Bill and the post-Vietnam era veterans' educational assistance program.
Sec. 309. Termination of enrollments in post-Vietnam era veterans' educational assistance program.
Sec. 310. On-job training under post-Vietnam era veterans' educational assistance program.
Sec. 311. Duration of and limitations on entitlement to post-Vietnam era veterans' educational assistance.
Sec. 312. Educational and vocational counseling.
Sec. 313. Delimiting period under the survivors' and dependents' educational assistance program.
Sec. 314. Elimination of the requirement for an education plan for survivors and dependents.
Sec. 315. Measurement of certain noncollege degree courses.
Sec. 316. Payment of educational assistance for certain less-than-half-time training.
Sec. 317. Prohibition on benefits under more than one educational assistance program.
Sec. 318. Reporting requirements for educational institutions.
Sec. 319. Prohibition of a term-by-term certification requirement.
Sec. 320. Commission to assess veterans' education policy.
Sec. 321. Technical and clerical amendments.

Part B—Employment and Other Programs

Sec. 331. Employment rights of certain individuals.
Sec. 332. Veterans' readjustment appointments.
Sec. 333. Extension of program of independent living services and assistance.

TITLE IV—HOUSING PROGRAMS AND NATIONAL CEMETERIES

Part A—Housing

Sec. 401. Specially adapted housing.
Sec. 402. Credit underwriting and loan processing standards.
Sec. 403. Foreclosure information.
Sec. 404. Competitive contracting requirements.
Sec. 405. Authority to transfer funds.
Sec. 406. Use of attorneys in home loan foreclosures.

100 STAT. 3250

Sec. 407. Appraisals.
Sec. 408. Furnishing information to real estate professionals to facilitate the disposition of properties.
Sec. 409. Home loan origination fee.

Part B—National Cemeteries

Sec. 411. National cemetery grave markers.
Sec. 412. Reports on the National Cemetery System.
Sec. 413. Memorial areas in Arlington National Cemetery.
Sec. 414. Authority to establish national cemeteries.

TITLE V—ADMINISTRATIVE PROVISIONS

Sec. 501. Clarification of requirement for a detailed plan and justification for administrative reorganization.
Sec. 502. Collocation of regional offices and medical centers.
Sec. 503. Effective date of discontinuance of certain benefits paid to incompetent individuals.
Sec. 504. Administrative debt collection by offset of benefits.
Sec. 505. Disclosure of financial information by fiduciaries.

TITLE VI—EXEMPTION OF CERTAIN PROGRAMS FROM BUDGET REDUCTION

Sec. 601. Treatment of certain veterans' programs under Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VII—MISCELLANEOUS

Sec. 701. Elimination of gender-based language distinctions in title 38.
Sec. 702. General technical amendments.
Sec. 703. Technical amendments to provisions enacted by Veterans' Benefits Improvement Act of 1984.

TITLE I—COMPENSATION INCREASES AND OTHER COMPENSATION MATTERS

SEC. 101. DISABILITY COMPENSATION.

(a) IN GENERAL.—Section 314 is amended—

(1) by striking out "$68" in subsection (a) and inserting in lieu thereof "$69";

(2) by striking out "$126" in subsection (b) and inserting in lieu thereof "$128";

(3) by striking out "$191" in subsection (c) and inserting in lieu thereof "$194";

(4) by striking out "$274" in subsection (d) and inserting in lieu thereof "$278";

(5) by striking out "$388" in subsection (e) and inserting in lieu thereof "$394";

(6) by striking out "$489" in subsection (f) and inserting in lieu thereof "$496";

(7) by striking out "$617" in subsection (g) and inserting in lieu thereof "$626";

(8) by striking out "$713" in subsection (h) and inserting in lieu thereof "$724";

(9) by striking out "$803" in subsection (i) and inserting in lieu thereof "$815";

(10) by striking out "$1,335" in subsection (j) and inserting in lieu thereof "$1,355";

(11) by striking out "$62", "$1,659", and "$2,325" in subsection (k) and inserting in lieu thereof "$63", "$1,684", and "$2,360", respectively;

(12) by striking out "$1,659" in subsection (l) and inserting in lieu thereof "$1,684";

100 STAT. 3251

(13) by striking out "$1,829" in subsection (m) and inserting in lieu thereof "$1,856";

(14) by striking out "$2,080" in subsection (n) and inserting in lieu thereof "$2,111";

(15) by striking out "$2,325" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,360";

(16) by striking out "$998" and "$1,487" in subsection (r) and inserting in lieu thereof "$1,013" and "$1,509", respectively; and

(17) by striking out "$1,494" in subsection (s) and inserting in lieu thereof "$1,516".

(b) SPECIAL RULE.—The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

38 USC 314 note.

38 USC note prec. 101.

38 USC 301 *et seq.*

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) by striking out "$81" in clause (A) and inserting in lieu thereof "$82";

(2) by striking out "$136" and "$43" in clause (B) and inserting in lieu thereof "$138" and "$44", respectively;

(3) by striking out "$56" and "$43" in clause (C) and inserting in lieu thereof "$57" and "$44", respectively;

(4) by striking out "$66" in clause (D) and inserting in lieu thereof "$67";

(5) by striking out "$147" in clause (E) and inserting in lieu thereof "$149"; and

(6) by striking out "$124" in clause (F) and inserting in lieu thereof "$126".

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$360" and inserting in lieu thereof "$365".

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

100 STAT. 3252

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$498	W-4	$714
E-2	513	O-1	630
E-3	526	O-2	650
E-4	560	O-3	696
E-5	574	O-4	736
E-6	587	O-5	811
E-7	616	O-6	914
E-8	650	O-7	988
E-9	[1] 679	O-8	1,083
W-1	630	O-9	1,162
W-2	655	O-10	[2] 1,274
W-3	674		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $733.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,365.";

(2) by striking out "$57" in subsection (b) and inserting in lieu thereof "$58";

(3) by striking out "$147" in subsection (c) and inserting in lieu thereof "$149"; and

(4) by striking out "$72" in subsection (d) and inserting in lieu thereof "$73".

SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

38 USC 413.

Section 413 is amended—

(1) by striking out "$247" in clause (1) and inserting in lieu thereof "$251";

(2) by striking out "$356" in clause (2) and inserting in lieu thereof "$361";

(3) by striking out "$460" in clause (3) and inserting in lieu thereof "$467"; and

(4) by striking out "$460" and "$93" in clause (4) and inserting in lieu thereof "$467" and "$94", respectively.

SEC. 106. SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

Section 414 is amended—

(1) by striking out "$147" in subsection (a) and inserting in lieu thereof "$149";

(2) by striking out "$247" in subsection (b) and inserting in lieu thereof "$251"; and

(3) by striking out "$126" in subsection (c) and inserting in lieu thereof "$128".

SEC. 107. EFFECTIVE DATE FOR RATE INCREASES.

38 USC 314 note.

The amendments made by sections 101 through 106 shall take effect on December 1, 1986, except that such amendments shall not take effect unless benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1986, as a result of a determination under section 215(i) of such Act (42 U.S.C 415(i)).

SEC. 108. IMPROVED BENEFITS FOR FORMER PRISONERS OF WAR.

(a) PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISABILITIES.—Section 312(b) is amended—

(1) by striking out "or" at the end of clause (9); and

(2) by inserting after clause (10) the following new clauses:

"(11) organic residuals of frostbite, if the Administrator determines that the veteran was interned in climatic conditions consistent with the occurrence of frostbite, or

"(12) post-traumatic osteoarthritis,".

38 USC 312 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 1986.

SEC. 109. SPECIAL CONSIDERATION FOR LOSS OF PAIRED ORGANS OR EXTREMITIES.

(a) REVISION OF SECTION 360.—(1) Section 360 is amended to read as follows:

"§ 360. Special consideration for certain cases of loss of paired organs or extremities

"(a) Where a veteran has suffered—

"(1) blindness in one eye as a result of service-connected disability and blindness in the other eye as a result of non-service-connected disability not the result of the veteran's own willful misconduct;

"(2) the loss or loss of use of one kidney as a result of service-connected disability and involvement of the other kidney as a result of non-service-connected disability not the result of the veteran's own willful misconduct;

"(3) total deafness in one ear as a result of service-connected disability and total deafness in the other ear as the result of non-service-connected disability not the result of the veteran's own willful misconduct;

"(4) the loss or loss of use of one hand or one foot as a result of service-connected disability and the loss or loss of use of the other hand or foot as a result of non-service-connected disability not the result of the veteran's own willful misconduct; or

"(5) permanent service-connected disability of one lung, rated 50 percent or more disabling, in combination with a non-service-connected disability of the other lung that is not the result of the veteran's own willful misconduct,

the Administrator shall assign and pay to the veteran the applicable rate of compensation under this chapter as if the combination of disabilities were the result of service-connected disability.

Gifts and property.

"(b) If a veteran described in subsection (a) of this section receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the non-service-connected disability described in such subsection, the increase in the rate of compensation otherwise payable under this section shall not be paid for any month following a month in which any such money or property is received until such time as the total of the amount of such increase that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received.".

(2) The item relating to such section in the table of sections at the beginning of chapter 11 is amended to read as follows:

"360. Special consideration for certain cases of loss of paired organs or extremities.".

(b) CONFORMING AMENDMENT.—Subsection (t) of section 314 is repealed.

38 USC 360 note.

(c) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) In the case of an award of compensation for a disability described in clause (1), (2), (3), or (5) of subsection (a) of section 360 of title 38, United States Code, as amended by subsection (a) of this section, subsection (b) of such section shall apply only to awards of compensation made on or after the date of the enactment of this Act.

100 STAT. 3254

TITLE II—HEALTH CARE AND MEDICAL FACILITIES

PART A—HEALTH-CARE PROGRAMS

SEC. 201. RESPITE CARE.

(a) AUTHORITY FOR RESPITE CARE PROGRAM.—(1) Subchapter II of chapter 17 is amended by adding at the end the following new section:

38 USC 620B.

"§ 620B. Respite care

"(a) The Administrator may furnish respite care services to a veteran who is eligible to receive care under section 610 of this title.

"(b) For the purpose of this section, the term 'respite care' means hospital or nursing home care which—

"(1) is of limited duration;

"(2) is furnished in a Veterans' Administration facility on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home; and

"(3) is furnished for the purpose of helping the veteran to continue residing primarily at home.

"(c) The authority provided by this section terminates on September 30, 1989.".

Termination date.

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 620A the following new item:

"620B. Respite care.".

38 USC 620B note.

(b) REPORT.—If the Administrator of Veterans' Affairs furnishes respite care under section 620B of title 38, United States Code (as added by subsection (a))—

(1) the Administrator shall conduct an evaluation of the health efficacy and cost-effectiveness of furnishing such care; and

(2) not later than February 1, 1989, shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(A) the results of such evaluation; and

(B) any plan for administrative action, and any recommendation for legislation, that the Administrator considers appropriate to include in the report.

SEC. 202. HOME HEALTH SERVICES.

Section 612 is amended—

(1) by striking out "As" in subsections (a)(2) and (f)(2) and inserting in lieu thereof "Subject to subsection (k) of this section, as"; and

(2) by adding at the end the following new subsection:

"(k) The Administrator may furnish home health services to a veteran in any setting in which the veteran is residing. The Administrator may not furnish such services in such a manner as to relieve any other person or entity of a contractual obligation to furnish services to the veteran. When home health services are furnished in a setting other than the veteran's home, such services may not include any structural improvement or alteration.".

SEC. 203. CONTINUATION OF CERTAIN COUNSELING SERVICES FOR A DECEASED VETERAN'S FAMILY MEMBERS.

38 USC 601.

Clause (B) of section 601(6) is amended to read as follows:

"(B)(i) such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

"(I) of the service-connected disability of a veteran pursuant to section 612(a) of this title, and

"(II) in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612(f)(1)(A)(ii) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital,

for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title); and

"(ii) in the case of an individual who was a recipient of services under subclause (i) of this clause at the time of—

"(I) the unexpected death of the veteran; or

"(II) the death of the veteran while the veteran was participating in a hospice program (or a similar program) conducted by the Administrator,

such counseling services, for a limited period, as the Administrator determines to be reasonable and necessary to assist such individual with the emotional and psychological stress accompanying the veteran's death.

For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title shall be eligible for the same medical services as a veteran.".

SEC. 204. TRANSITION PERIOD FOR READJUSTMENT COUNSELING CENTERS.

(a) Extension of Transition Period.—Paragraph (1) of section 612A(g) is amended—

(1) by striking out "the twelve-month period ending on September 30, 1988" and inserting in lieu thereof "the 24-month period ending on September 30, 1989"; and

(2) by striking out "orderly transition, by October 1, 1988" in clause (A) and inserting in lieu thereof "orderly, gradual transition by October 1, 1989".

38 USC 101 note.

38 USC 101 note.

(b) CONTENT OF REPORTS.—(1) Paragraph (2)(A) of such section is amended by inserting "(Public Law 98-160) (or, if the study is not then completed, whatever information from it is then available)" in the second sentence after "the Veterans' Health Care Amendments of 1983".

100 STAT. 3256

(2) Paragraph (3) of such section is amended by adding at the end the following new sentence: "Such report shall be prepared taking into consideration the results of the study referred to in paragraph (2)(A) of this subsection (or, if the study is not then completed, whatever information from it is then available).".

(c) REPORT ON TRANSITION.—Such section is further amended by adding at the end the following new paragraph:

"(4) Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under as much of the transition as was carried out pursuant to paragraph (1) of this subsection before September 30, 1988, including such recommendations for legislative and administrative action as the Administrator considers appropriate in light of such experience.".

SEC. 205. THERAPEUTIC AND REHABILITATIVE ACTIVITIES.

Section 618 is amended—

(1) in subsection (a)—

(A) by striking out "may utilize" and inserting in lieu thereof "may use";

(B) by striking out "purposes, at nominal remuneration, and such" and inserting in lieu thereof "purposes. Such"; and

(C) by striking out "utilization" and inserting in lieu thereof "use";

(2) in subsection (b)(1), by striking out "for remuneration";

(3) in subsection (c)—

(A) by striking out "pay" in paragraph (2) and inserting in lieu thereof "distribute"; and

(B) by striking out "and wage rates" in paragraph (3) and inserting in lieu thereof "rates of distribution"; and

(4) in subsection (f)—

(A) by inserting "(1)" after "(f)";

(B) by striking out "remuneration" and inserting in lieu thereof "a distribution"; and

(C) by adding at the end the following new paragraph:

"(2) A distribution of funds made under this section shall be considered for purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

38 USC 501 *et seq.*

SEC. 206. CONTRACTS AND GRANTS FOR MEDICAL CARE FOR UNITED STATES VETERANS IN THE REPUBLIC OF THE PHILIPPINES.

(a) EXTENSIONS OF AUTHORITIES.—(1) Section 632 is amended by striking out "September 30, 1986" in subsections (a) and (b)(1) and inserting in lieu thereof "September 30, 1989".

38 USC 632 note.

(2) Any action by the Administrator of Veterans' Affairs in contracting under the provisions of section 632(a) of title 38, United States Code, with respect to the period beginning on October 1, 1986, and ending on the date of the enactment of this Act is hereby ratified.

38 USC 632 note.

(b) REPORTS ON USE OF FUNDS.—Not later than February 1, 1987, 1988, and 1989, the Administrator of Veterans' Affairs shall submit to Congress a report describing the use of funds provided to the Republic of the Philippines under section 632(b) of title 38, United States Code, during the preceding fiscal year.

PART B—HEALTH-CARE ADMINISTRATION

SEC. 211. ENFORCEMENT OF STATE AND LOCAL TRAFFIC LAWS BY VETERANS' ADMINISTRATION POLICE OFFICERS.

Paragraph (1) of section 218(b) is amended to read as follows: 38 USC 218.

"(1)(A) Veterans' Administration employees who are Veterans' Administration police officers shall, with respect to acts occurring on Veterans' Administration property, enforce—

"(i) Federal laws;

"(ii) the rules prescribed under subsection (a)(2)(A) of this section; and

"(iii) subject to subparagraph (B) of this paragraph, traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Veterans' Administration property is located.

"(B) A law described in clause (iii) of subparagraph (A) of this paragraph may be enforced under such clause only as authorized by an express grant of authority under applicable State or local law. Any such enforcement shall be by the issuance of a citation for violation of such law.

"(C) Subject to regulations prescribed under paragraph (2) of this subsection, a Veterans' Administration police officer may make arrests on Veterans' Administration property for a violation of a Federal law or any rule prescribed under subsection (a)(2)(A) of this section.".

SEC. 212. REGIONAL MEDICAL EDUCATION CENTERS.

(a) STATUS OF PROGRAM.—Section 4121(a) is amended—

(1) by striking out "pilot"; and

(2) by striking out "in geographically dispersed areas of the United States".

(b) PROGRAM FLEXIBILITY.—Section 4121(b) is amended—

(1) by striking out "in-residence"; and

(2) by striking out "medical and health".

(c) SHARING OF TRAINING PROGRAMS.—Section 4123 is amended—

(1) by inserting "(a)" before "The Chief Medical Director";

(2) by striking out the third and fourth sentences; and

(3) by adding at the end the following:

"(b) To the extent that facilities are available, medical and health personnel from outside the Department of Medicine and Surgery may, on a reimbursable basis, be provided training in the Centers. Such reimbursement may include reciprocal training of personnel of the Department of Medicine and Surgery provided under sharing arrangements entered into by the Chief Medical Director and the heads of the entities providing such reciprocal training. Any amounts received by the United States as reimbursement under this subsection shall be credited to the applicable Veterans' Administration medical appropriation account.".

SEC. 213. PERIOD OF OBLIGATED SERVICE UNDER SCHOLARSHIP PROGRAM.

Section 4142(e)(1)(B)(iv)(I) is amended by striking out the parenthetical phrase and inserting in lieu thereof "(or, in the case of a participant who is a part-time student, six months for each calendar year, or part of a calendar year, for which the participant was provided a scholarship, with an academic semester or quarter to be counted in only one calendar year)."

100 STAT. 3258

SEC. 214. PERIOD OF APPOINTMENT OF CERTAIN TEMPORARY AND PART-TIME HEALTH-CARE PERSONNEL.

(a) TEMPORARY AND PART-TIME APPOINTMENTS.—(1) Paragraph (1) of section 4114(a) is amended— 38 USC 4114.

(A) by inserting "certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses," after "dental auxiliaries," in clause (A); and

(B) by inserting ", certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses" after "dental auxiliaries" in clause (B).

(2) Paragraph (2) of such section is amended by striking out "paragraph (1) of section 4104" and inserting in lieu thereof "paragraphs (1) and (3) of section 4104".

(3) Paragraph (3) of such section is amended—

(A) by inserting "except as authorized in subparagraph (D) of this paragraph" in subparagraph (A) after "year";

(B) by inserting "and except as authorized in subparagraph (D) of this paragraph" in subparagraph (B) after "programs"; and

(C) by adding at the end the following new subparagraph:

"(D) During any period during which the Administrator is exercising the authority of only section 4106 (a) and (g)(1) of this title in connection with the appointment, under section 4104(3) of this title, of personnel in the category of certified or registered respiratory therapists, licensed physical therapists, or licensed practical or vocational nurses—

"(i) the Administrator may make temporary full-time appointments of personnel in such category for periods exceeding 90 days if the Chief Medical Director finds that circumstances render it impractical to obtain the necessary services through appointments under paragraph (3) of section 4104 of this title; and

"(ii) part-time appointments of personnel in such category may be for periods of more than one year.".

(b) LICENSURE OF PSYCHOLOGISTS.—Section 4114(d) is amended by inserting "psychologist," after "podiatrist," both places it appears.

SEC. 215. REPORT ON A NATIONAL DRUG FILE.

Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plans of the Department of Medicine and Surgery for the development, establishment, and administration of a national drug file, including an agency-wide reclassification and inventory system for all drugs used by the Veterans' Administration. The report shall also include—

(1) the timetable for the establishment of such a drug file;

(2) an estimate (and the underlying criteria therefor) of the number of employees, all computer equipment (including any additional computer equipment), and total expenditures necessary to develop, establish, and administer such a drug file; and

(3) any other matters the Administrator considers appropriate to include in the report.

SEC. 216. STIPEND FOR PARTICIPATION IN STUDY OF VIETNAM-ERA VETERANS' PSYCHOLOGICAL PROBLEMS.

38 USC 612A note.

Section 102 of the Veterans' Health Care Amendments of 1983 (Public Law 98-160; 97 Stat. 994) is amended by adding at the end the following new subsection:

"(d) In order to promote the participation in the study required by subsection (a) of a number of study subjects sufficient to yield scientifically valid results from such study, the Administrator shall pay an appropriate stipend to each individual participating in the study as a subject. In determining the amount of such stipend, the Administrator shall take into account—

"(1) the amount of time that the individual is expected to devote to participation in the study,

"(2) the extent to which the individual's normal routine is disrupted as a result of such participation, "(3) any travel by the individual in connection with such participation, and

"(4) such other factors as the Administrator considers appropriate."

PART C—FACILITY CONSTRUCTION AND PLANNING

SEC. 221. CONSIDERATION OF SHARING DEPARTMENT OF DEFENSE FACILITIES.

(a) IN GENERAL.—Section 5002 is amended by adding at the end the following new subsection: 38 USC 5002.

"(d) In considering the need for any project for the construction, alteration, or acquisition (other than by exchange) of a medical facility which is expected to involve a total expenditure of more than $2,000,000, the Administrator shall give consideration to the sharing of health-care resources with the Department of Defense under section 5001 of this title as an alternative to all or part of such project.".

(b) REQUIREMENT FOR DESCRIPTION IN PROSPECTUS.—Section 5004(b)(1) is amended by inserting "and to the sharing of health-care resources with the Department of Defense under section 5011 of this title" after "purchase".

SEC. 222. ANNUAL REPORT ON FACILITIES CONSTRUCTION.

Section 5007(a) is amended by inserting ", after considering the analysis and recommendations of the Chief Medical Director," after "Administrator" both places it appears.

SEC. 223. PARKING FACILITIES.

(a) REVISION OF AUTHORITIES.—(1) Section 5009 of title 38, United States Code, is amended to read as follows:

"§ 5009. Parking facilities

"(a) For the purpose of this section—

"(1) The term 'garage' means a structure (or part of a structure) in which vehicles may be parked.

"(2) The term 'parking facility' includes—

"(A) a surface parking lot; and

"(B) a garage.

"(3) The term 'eligible person' means an individual to whom the Administrator is authorized to furnish medical examination or treatment.

100 STAT. 3260

"(b) In order to accommodate the vehicles of employees of medical facilities, vehicles used to transport veterans and eligible persons to or from such facilities for the purpose of examination or treatment, and the vehicles of visitors and other individuals having business at such facilities, the Administrator— Motor vehicles.

"(1) may construct or alter parking facilities, and may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, such land or interests in land as the Administrator considers necessary for use as the site for any such construction or alteration;

"(2) may acquire, by purchase, lease, condemnation, donation, exchange, or otherwise, any facility that the Administrator considers necessary for use as a parking facility; and

"(3) may operate and maintain parking facilities.

"(c)(1) Except as provided in paragraph (2) of this subsection, each employee, visitor, and other individual having business at a medical facility for which parking fees have been established under subsection (d) or (e) of this section shall be charged the applicable parking fee for the use of a parking facility at such medical facility.

"(2) A parking fee shall not be charged under this subsection for the accommodation of any vehicle used to transport to or from a medical facility— Motor vehicles.

"(A) a veteran or eligible person in connection with such veteran or eligible person seeking examination or treatment; or

Voluntarism.

"(B) a volunteer worker (as determined in accordance with regulations which the Administrator shall prescribe) in connection with such worker performing services for the benefit of veterans receiving care at a medical facility.

"(3) The Administrator shall collect (or provide for the collection of) parking fees charged under this subsection.

"(d)(1) For each medical facility where funds from the revolving fund described in subsection (h) of this section are expended for—

"(A) a garage constructed or acquired by the Veterans' Administration at a cost exceeding $500,000 (or, in the case of acquisition by lease, $100,000 per year); or

"(B) a project for the alteration of a garage at a cost exceeding $500,000,

the Administrator shall prescribe a schedule of parking fees to be charged at all parking facilities used in connection with such medical facility.

"(2) The parking fee schedule prescribed for a medical facility referred to in paragraph (1) of this subsection shall be designed to establish fees which the Administrator determines are reasonable under the circumstances.

"(e) The Administrator may prescribe a schedule of parking fees for the parking facilities at any medical facility not referred to in subsection (d) of this section. Any such schedule shall be designed to establish fees which the Administrator determines to be reasonable under the circumstances and shall cover all parking facilities used in connection with such medical facility.

"(f) The Administrator may contract (by lease or otherwise) for the operation of parking facilities at medical facilities under such terms and conditions as the Administrator prescribes and may do so without regard to laws requiring full and open competition.

100 STAT. 3261

"(g) Subject to subsections (h) and (i) of this section, there are authorized to be appropriated such amounts as are necessary to finance (in whole or in part) the construction, alteration, and acquisition (including site acquisition) of parking facilities at medical facilities.

"(h)(1) Amounts appropriated pursuant to subsection (g) of this section and parking fees collected under subsection (c) of this section shall be administered as a revolving fund and shall be available without fiscal year limitation.

"(2) The revolving fund shall be deposited in a checking account with the Treasurer of the United States.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, no funds other than funds from the revolving fund may be expended for the construction, alteration, or acquisition (including site acquisition) of a garage at a medical facility after September 30, 1986.

"(B) Subparagraph (A) of this paragraph does not apply to the use of funds for investigations and studies, surveys, designs, plans, working drawings, specifications, and similar actions not directly involved in the physical construction of a structure.

"(i)(1) The expenditure of funds from the revolving fund may be made only for the construction, alteration, and acquisition (including site acquisition) of parking facilities at medical facilities and may be made only as provided for in appropriation Acts.

38 USC 5004.

"(2) For the purpose of section 5004(a)(2) of this title, a bill, resolution, or amendment which provides that funds in the revolving fund (including any funds proposed in such bill, resolution, or amendment to be appropriated to the revolving fund) may be expended for a project involving a total expenditure of more than $2,000,000 for the construction, alteration, or acquisition (including site acquisition) of a parking facility or facilities at a medical facility shall be considered to be a bill, resolution, or amendment making an appropriation which may be expended for a major medical facility project.".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"5009. Parking facilities.".

38 USC 5009 note.

(b) Effective Dates.—(1) Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2)(A) The amendments made by this section shall not abrogate the provisions of a collective bargaining agreement which, on the date of the enactment of this Act, is in effect and includes a provision which specifies a termination date for such agreement.

(B) After the date of the enactment of this Act, if a collective bargaining agreement described in subparagraph (A) is modified, extended, or renewed, such subparagraph shall no longer, as of the date of the modification, extension, or renewal, apply to such agreement.

(C) In the case of a collective bargaining agreement which on such date of enactment is in effect but has no provision which specifies a termination date, the authorities and requirements in section 5009 of title 38, United States Code, as amended by subsection (a)(1) of this section, to establish and collect parking fees shall take effect on January 1, 1988.

(3) Section 5009 of title 38, United States Code, as amended by subsection (a)(1) of this section, shall not apply to the expenditure of funds appropriated for a fiscal year prior to fiscal year 1987 for the construction, alteration, or acquisition (including site acquisition) of a parking facility at a Veterans' Administration medical facility.

100 STAT. 3262

SEC. 224. REVISION OF STATE HOME CONSTRUCTION GRANT PROGRAM.

(a) Authorization of Appropriations.—The first sentence of section 5033(a) is amended to read as follows: "There are hereby authorized to be appropriated such sums as are necessary to carry out this subchapter through September 30, 1989.".

38 USC 5033.

(b) Priority for Certain Project Applications.—Subsection (b) of section 5035 is amended to read as follows:

"(b)(1) Upon receipt of an application for a grant under subsection (a) of this section, the Administrator—

"(A) shall determine whether the application meets the requirements of this section and of the regulations prescribed under section 5034 of this title;

"(B) shall notify the State submitting the application whether the application conforms with those requirements and, if it does not, of the actions necessary to bring the application into conformance with those requirements; and

"(C) shall determine the priority of the project described in the application in accordance with the provisions of this subsection.

"(2) Subject to paragraphs (3) and (5)(C) of this subsection, the Administrator shall accord priority to applications in the following order:

"(A) An application from a State that has made sufficient funds available for the construction or acquisition of the project for which the grant is requested so that such project may proceed upon approval of the grant without further action required by the State to make such funds available for such purpose.

"(B) An application from a State that does not have a State home facility constructed or acquired with assistance under this subchapter (or for which such a grant has been made).

"(C) An application from a State which the Administrator determines, in accordance with criteria and procedures specified in regulations which the Administrator shall prescribe, has a greater need for nursing home or domiciliary beds than other States from which applications are received.

"(D) An application that meets such other criteria as the Administrator determines are appropriate and has established in regulations.

"(3) In according priorities to projects under paragraph (2) of this subsection, the Administrator—

"(A) shall accord priority only to projects which would involve construction or acquisition of either nursing home or domiciliary buildings; and

"(B) may not accord any priority to a project which would expand a State's capacity to furnish hospital care in a State home.

"(4) The Administrator shall establish a list of approved projects, in the order of their priority, as of July 1 of each year. The Administrator shall award grants in the order of their priority on the list during the fiscal year beginning on October 1 of the calendar year in which the list was made.

"(5)(A) The Administrator shall defer approval of an application that otherwise meets the requirements of this section if the State submitting the application does not, by the July 1 deadline (as defined in subparagraph (D) of this paragraph), demonstrate to the satisfaction of the Administrator that the State has provided adequate financial support for construction of the project.

100 STAT. 3263

"(B) In a case in which approval of an application is deferred under subparagraph (A) of this paragraph, the Administrator shall select for award of a grant or grants under this subsection an application or applications which would not have been approved during the fiscal year but for the deferral and to which the Administrator accords the highest priority under paragraph (2) of this subsection.

"(C) An application deferred in accordance with the requirements of this paragraph shall be accorded priority in any subsequent fiscal year ahead of applications that had not been approved before the first day of the fiscal year in which the deferred application was first approved.

"(D) For the purposes of this paragraph, the term 'July 1 deadline' means July 1 of the fiscal year in which the State is notified by the Administrator of the availability of funding for a grant for such project.".

38 USC 5035.

(c) REPEAL OF LIMIT ON GRANTS TO ANY STATE.—Section 5035(d) is amended—

(1) by striking out "(1)" and all that follows through "shall provide for payment" and inserting in lieu thereof "The amount of a grant under this subchapter shall be paid"; and

(2) by striking out paragraph (2).

(d) TECHNICAL AMENDMENT.—Section 5031 is amended by redesignating paragraphs (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively.

38 USC 5031 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1987.

38 USC 5035 note.

(f) DEADLINE FOR REGULATIONS.—The Administrator of Veterans' Affairs shall prescribe regulations not later than April 1, 1987, to implement the amendments made by this section.

PART D—MISCELLANEOUS

SEC. 231. MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) REPORTING PERIOD FOR REPORTS ON SPECIAL PAY FOR VETERANS' ADMINISTRATION PHYSICIANS AND DENTISTS.—Section 4118(g)(2)(C) is amended by striking out "December 31, 1982, and once every two years" and inserting in lieu thereof "December 31, 1988, and once every four years".

(b) CONDITIONAL ELIMINATION OF REQUIREMENT FOR REPORT ON CONTRACT DENTAL CARE.—Paragraph (4) of section 612(b) is amended—

(1) by striking out "In" after "(4)" and inserting in lieu thereof "(A) Except as provided in subparagraph (B) of this paragraph, in"; and

(2) by adding at the end the following new subparagraph:

"(B) A report under subparagraph (A) of this paragraph with respect to a fiscal year is not required if, in the documents submitted by the Administrator to the Congress in justification for the amounts included for Veterans' Administration programs in the President's Budget, the Administrator specifies with respect to contract dental care described in such subparagraph—

"(i) the actual level of expenditures for such care in the fiscal year preceding the fiscal year in which such Budget is submitted;

"(ii) a current estimate of the level of expenditures for such care in the fiscal year in which such Budget is submitted; and

"(iii) the amount included in such Budget for such care.".

(c) REPEAL OF REQUIREMENT FOR REPORT OF EXCHANGE OF MEDICAL INFORMATION PROGRAM.—(1) Section 5053 is amended by adding at the end the following new subsection: 38 USC 5053.

"(e) The Administrator shall submit to the Congress not more than 60 days after the end of each fiscal year a report on the activities carried out under this section. Each report shall include—

"(1) an appraisal of the effectiveness of the activities authorized in this section and the degree of cooperation from other sources, financial and otherwise; and

"(2) recommendations for the improvement or more effective administration of such activities.".

(2)(A) Section 5057 is repealed.

(B) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to section 5057.

SEC. 232. IONIZING RADIATION REGISTRY.

(a) ESTABLISHMENT OF REGISTRY.—The Administrator of Veterans' Affairs shall establish and maintain a special record to be known as the "Ionizing Radiation Registry" (hereinafter in this section referred to as the "Registry"). 38 USC 354 note.

(b) CONTENT OF REGISTRY.—Except as provided in subsection (c), the Registry shall include the following information:

(1) A list containing the name of each veteran who was exposed to ionizing radiation under the conditions described in section 610(e)(1)(B) of title 38, United States Code, and who—

(A) applies for hospital or nursing home care from the Veterans' Administration under chapter 17 of such title; 38 USC 601 *et seq.*

(B) files a claim for compensation under chapter 11 of such title on the basis of a disability which may be associated with the exposure to ionizing radiation; or 38 USC 301 *et seq.*

(C) dies and is survived by a spouse, child, or parent who files a claim for dependency and indemnity compensation under chapter 13 of such title on the basis of the exposure of such veteran to ionizing radiation. 38 USC 401 *et seq.*

(2) Medical data relating to each veteran listed in the Registry, including—

(A) the veteran's medical history, latest health status recorded by the Veterans' Administration, physical examinations, and clinical findings; and

(B) a statement describing birth defects, if any, in the natural children of the veteran.

(3) Data on claims for the compensation referred to in paragraph (1), including decisions and determinations of the Veterans' Administration relating to such claims.

(4) An estimate of the dose of radiation to which each veteran listed in the Registry was exposed under the conditions described in section 610(e)(1)(B) of such title.

(c) VETERANS SUBMITTING CLAIMS BEFORE DATE OF ENACTMENT.—If in the case of a veteran described in subsection (b)(1) the application or claim referred to in such subsection was submitted or filed

100 STAT. 3265

before the date of the enactment of this Act, the Administrator shall include in the Registry, to the extent feasible, such veteran's name and the data and information described in subsection (b) relating to the veteran.

(d) CONSOLIDATION OF EXISTING INFORMATION.—(1) For the purpose of establishing and maintaining the Registry, the Administrator shall compile and consolidate—

(A) relevant information maintained by the Department of Veterans' Benefits and the Department of Medicine and Surgery of the Veterans' Administration;

(B) relevant information maintained by the Defense Nuclear Agency of the Department of Defense; and

(C) any relevant information maintained by any other element of the Veterans' Administration or the Department of Defense.

(2) With respect to a veteran whose name is included in the Registry and for whom the information in the Registry is not complete, the Administrator shall include information described in paragraph (1) with respect to that veteran (A) to the extent that such information is reasonably available in records of the Veterans' Administration or Department of Defense, or (B) if such information is submitted by the veteran after the enactment of this Act.

(e) DEPARTMENT OF DEFENSE INFORMATION.—The Secretary of Defense shall furnish to the Administrator such information maintained by the Department of Defense as the Administrator considers necessary to establish and maintain the Registry.

(f) DEFINITION.—For the purpose of this section, the term "veteran" has the meaning given that term in section 101(2) of title 38, United States Code, and includes a person who died in the active military, naval, or air service.

38 USC 101.

(g) EFFECTIVE DATE.—The Registry shall be established not later than 180 days after the date of the enactment of this Act.

SEC. 233. REQUIREMENT FOR MEDICARE HOSPITALS TO PARTICIPATE IN VETERANS' ADMINISTRATION CONTRACT HEALTH-CARE PROGRAM.

(a) IN GENERAL.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)), as amended by section 1895(b) of the Tax Reform Act of 1986, is amended—

Ante, p. 2931.

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (K) the following new subparagraph:

"(L) in the case of hospitals which provide inpatient hospital services for which payment may be made under this title, to be a participating provider of medical care under section 603 of title 38, United States Code, in accordance with such admission practices, and such payment methodology and amounts, as are prescribed under joint regulations issued by the Secretary and by the Administrator of Veterans' Affairs in implementation of such section.".

42 USC 1395cc note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to inpatient hospital services provided pursuant to admissions to hospitals occurring after June 30, 1987.

42 USC 1395cc note.

(c) REPORT.—(1) The Secretary of Health and Human Services shall periodically submit to the Congress a report on the number of hospitals that have terminated or failed to renew an agreement

42 USC 1395cc.

under section 1866 of the Social Security Act as a result of the additional conditions imposed under the amendments made by subsection (a).

(2) Not later than October 1, 1987, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding implementation of this section. Thereafter, the Administrator shall notify such committees if any hospital terminates or fails to renew an agreement described in paragraph (1) for the reasons described in that paragraph.

SEC. 234. PROHIBITION AGAINST EXCESSING OF CERTAIN VETERANS' ADMINISTRATION PROPERTIES.

Real property.

(a) IN GENERAL.—The Administrator of Veterans' Affairs may not take any action before January 1, 1988, in connection with declaring as excess to the needs of the Veterans' Administration, transferring to another Federal agency, or otherwise relinquishing any Veterans' Administration interest in or disposing of any portion of the real property described in subsection (b). Any such action taken before the date of the enactment of this Act shall be without effect. If on the date of the enactment of this Act, such property (or any portion thereof) is under the jurisdiction of an agency of the United States other than the Veterans' Administration, such property shall revert back to the jurisdiction of the Veterans' Administration.

California.

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is certain land and improvements at the Veterans' Administration Medical Center, West Los Angeles, California (consisting of approximately 109 acres), and at the Veterans' Administration Medical Center, Sepulveda, California (consisting of approximately 46 acres), described in letters dated February 5, 1986 (and enclosed maps), submitted by the Administrator to the Committees on Veterans' Affairs of the Senate and House of Representatives pursuant to section 5022(a)(2) of title 38, United States Code.

SEC. 235. REPORT ON TREATMENT AND SERVICES FOR CHRONICALLY MENTALLY ILL VETERANS.

38 USC 612 note.

(a) REPORT REQUIREMENT.—The Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's current use of authority—

(1) to contract for care and treatment, and for rehabilitative services, for chronically mentally ill veterans through—

(A) halfway houses;

(B) therapeutic communities;

(C) psychiatric residential treatment centers;

(D) other community-based treatment facilities; and

(2) to furnish home health services to such veterans in such veterans' homes or in other settings in which they reside (as provided for in section 612 of title 38, United States Code, as amended by section 202).

(b) DEFINITION.—For purposes of subsection (a), the term "chronically mentally ill veterans" means veterans who are eligible for health care from the Veterans' Administration and who are suffering from chronic mental illness disabilities.

(c) DEADLINE FOR SUBMISSION.—The report under subsection (a) shall be submitted not later than December 15, 1987.

SEC. 236. DESIGNATION OF VETERANS' ADMINISTRATION MEDICAL CENTER IN PHOENIX, ARIZONA.

The Veterans' Administration Medical Center in Phoenix, Arizona, shall after the date of the enactment of this Act be known and designated as the "Carl T. Hayden Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United

States shall after such date be deemed to be a reference to the Carl T. Hayden Veterans' Administration Medical Center.

SEC. 237. TECHNICAL AMENDMENTS.

38 USC 610.

(a) Section 610(a)(1)(C) is amended by inserting "who is in receipt of, or" after "veteran".

(b)(1) Section 610(f)(3) is amended by adding at the end the following new subparagraph:

"(F) A veteran may not be required to make a payment under this subsection or section 612(f) of this title for any days of care in excess of 360 days of care during any 365-calendar-day period.".

(2) Section 612(f)(4) is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) A veteran may not be required to make a payment under this subsection if such payment would result in the veteran paying, under this subsection and section 610(f) of this title, a total amount greater than four times the amount of the inpatient Medicare deductible for care or services, or any combination thereof, furnished under this chapter during any 365-calendar-day period.".

Effective date.
38 USC 610 note.

(c) The amendments made by this section shall take effect as of April 7, 1986.

TITLE III—EDUCATION AND EMPLOYMENT

PART A—EDUCATION

SEC. 301. APPRENTICESHIP OR OTHER ON-JOB TRAINING UNDER THE NEW GI BILL.

(a) IN GENERAL.—Section 1402(3) is amended to read as follows:

"(3) The term 'program of education'—

"(A) has the meaning given such term in section 1652(b) of this title, and

"(B) includes a full-time program of apprenticeship or of other on-job training approved as provided in clause (1) or (2), as appropriate, of section 1787(a) of this title.".

(b) AMOUNT OF ASSISTANCE.—Section 1432 is amended by adding at the end the following new subsection:

"(c)(1) Except as provided in paragraph (2) of this subsection, the amount of the monthly educational assistance allowance payable to an individual pursuing a full-time program of apprenticeship or other on-job training under this chapter is—

"(A) for each of the first six months of the individual's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such individual under this chapter;

"(B) for each of the second six months of the individual's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

"(C) for each of the months following the first 12 months of the individual's pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of monthly educational assistance allowance payable under this chapter to the individual shall be limited to the same proportion of the applicable rate determined under paragraph (1) of this subsection as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

"(3) For each month that an individual is paid a monthly educational assistance allowance under this chapter, the individual's entitlement under this chapter shall be charged at the rate of—

"(A) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A) of this subsection;

"(B) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B) of this subsection; and

"(C) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C) of this subsection.".

(c) CONFORMING AMENDMENT.—Section 1434(a) is amended by striking out the parenthetical matter in the first sentence and inserting in lieu thereof "(with the exception of sections 1780(c), 1780(g), and 1787)". 38 USC 1434.

(d) CLERICAL AMENDMENTS.—(1) The heading of section 1432 is amended to read as follows:

"§ 1432. Limitations on educational assistance for certain individuals".

(2) The item relating to such section in the table of sections at the beginning of chapter 30 of such title is amended to read as follows:

"1432. Limitations on educational assistance for certain individuals.".

SEC. 302. EDUCATIONAL ASSISTANCE FOR CORRESPONDENCE COURSES UNDER THE NEW GI BILL.

Section 1434 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) When an eligible individual is pursuing a program of education under this chapter by correspondence, the individual's entitlement under this chapter shall be charged at the rate of one month's entitlement for each month of benefits paid to the individual.".

SEC. 303. PROVISIONS RELATING TO REDUCTION OF PAY IN THE NEW GI BILL.

(a) IN GENERAL.—(1) Section 1411(b) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any amount by which the basic pay of an individual is reduced under this subsection shall revert to the Treasury and shall not, for purposes of any Federal law, be considered to have been received by or to be within the control of such individual."

100 STAT. 3269

(2) Section 1412(c) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any amount by which the basic pay of an individual is reduced under this subsection shall revert to the Treasury and shall not, for purposes of any Federal law, be considered to have been received by or to be within the control of such individual.". 38 USC 1412.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any reduction in basic pay made under section 1411(b) or 1412(c) of title 38, United States Code, after December 31, 1985. 38 USC 1411 note.

SEC. 304. ADVISORY COMMITTEE AMENDMENTS.

Section 1792 is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "an advisory committee" and inserting in lieu thereof "a Veterans' Advisory Committee on Education"; and

(B) by inserting "30," after "chapter"; and

(2) in the first sentence of subsection (b), by inserting "30," after "chapters".

SEC. 305. CERTIFICATION UNDER NEW GI BILL.

Section 1434(b) is amended to read as follows:

"(b) The Administrator may, pursuant to regulations which the Administrator shall prescribe, determine and define enrollment in, Regulations.

pursuit of, and attendance at, any program of education by an individual enrolled in or pursuing a program of education under this chapter for any period for which the individual receives educational assistance under this chapter. Subject to such reports and proof as the Administrator may require to show an individual's enrollment in and satisfactory pursuit of such individual's program, the Administrator may withhold payment of benefits to such individual until the required proof is received and the amount of the payment is appropriately adjusted.".

SEC. 306. BAR TO DUPLICATION OF BENEFITS.

(a) IN GENERAL.—Section 1433(a)(1) is amended by striking out "chapter 31" and all that follows through "both programs" and inserting in lieu thereof "chapter 31, 32, or 35 of this title, under chapter 106 or 107 of title 10, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more of such programs".

(b) SELECTED RESERVE SERVICE.—Section 1433(c) is amended to read as follows:

"(c) An individual who serves in the Selected Reserve may not receive credit for such service under both the program established by this chapter and the program established by chapter 106 of title 10 but shall elect (in such form and manner as the Administrator may prescribe) the program to which such service is to be credited.".

10 USC 2131 *et seq.*

SEC. 307. ADJUSTMENT OF DELIMITING PERIOD FOR INDIVIDUALS ENTITLED TO CERTAIN COMBINED BENEFITS.

(a) IN GENERAL.—(1) Section 1411(a)(1)(B) is amended by inserting "and was on active duty on October 19, 1984, and without a break in service since October 19, 1984," after "title".

(2) Section 1412(a)(1)(B) is amended by inserting "and was on active duty on October 19, 1984, and without a break in service since October 19, 1984," after "title".

100 STAT. 3270

(b) CONFORMING AMENDMENT.—Section 1431 is amended—

(1) by striking out "(d)" in subsection (a) and inserting in lieu thereof "(e)";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection;

"(e) In the case of an individual described in section 1411(a)(1)(B) or 1412(a)(1)(B) of this title who is entitled to basic educational assistance under this chapter, the 10-year period prescribed in subsection (a) of this section shall be reduced by an amount of time equal to the amount of time that such individual was not serving on active duty during the period beginning on January 1, 1977, and ending on October 18, 1984.".

38 USC 1411, 1412.

SEC. 308. WORK-STUDY ALLOWANCE UNDER THE NEW GI BILL AND THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) NEW GI BILL.—The first sentence of section 1434(a) is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

(b) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Section 1641 is amended by inserting "1685," after "1683,".

(c) CONFORMING AMENDMENT.—The first sentence of section 1685(b) is amended by striking out "education or training under chapters 31 and 34" and inserting in lieu thereof "rehabilitation, education, or training under chapter 30, 31, 32, or 34".

SEC. 309. TERMINATION OF ENROLLMENTS IN POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—(1) Section 1601(1) is amended by inserting "and before July 1, 1985," after "December 31, 1976,".

(2) Section 1602(1)(A) is amended—

(1) by inserting "and before July 1, 1985," after "January 1, 1977," both places it appears; and

(2) by striking out "such date" both places it appears and inserting in lieu thereof "January 1, 1977".

(3) Section 1621(a) is amended—

(A) by inserting "and before July 1, 1985," after "January 1, 1977,"; and

(B) by inserting "before July 1, 1985" before the period at the end of the first sentence.

38 USC 1621 note.

(b) CONFORMING REPEAL.—Section 704 of the Veterans' Educational Assistance Act of 1984 (title VII of Public Law 98-525; 98 Stat. 2564) is repealed.

38 USC 1601 note.

38 USC 1601 *et seq.*

(c) EXCEPTION.—Notwithstanding the amendments made by subsection (a), any individual on active duty in the Armed Forces who was eligible on June 30, 1985, to enroll in the program established by chapter 32 of title 38, United States Code, may enroll, before April 1, 1987, in such program.

Uniformed services.

(d) NOTICE REQUIREMENT.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall carry out activities for the purpose of notifying, to the maximum extent feasible, individuals described in subsection (c) of the opportunity provided by such subsection.

SEC. 310. ON-JOB TRAINING UNDER THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.

38 USC 1602.

(a) IN GENERAL.—Section 1602 is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'program of education'—

"(A) has the meaning given such term in section 1652(b) of this title, and

"(B) includes a full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 1787(a) of this title."; and

(2) by adding at the end the following new paragraphs:

"(4) The term 'educational institution' has the meaning given such term in section 1652(c) of this title.

"(5) The term 'training establishment' has the meaning given such term in section 1652(e) of this title.".

(b) AMOUNT OF PAYMENT.—(1) Section 1631(a)(2) is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 1633 of this title and subject to section 1641 of this title, the".

(2) Subchapter III of chapter 32 is amended by adding at the end the following new section:

"§ 1633. Apprenticeship or other on-job training

38 USC 1633.

"(a) Except as provided in subsection (b) of this section, the amount of the monthly benefit payment to an individual pursuing a full-time program of apprenticeship or other on-job training under this chapter is—

"(1) for each of the first six months of the individual's pursuit of such program, 75 percent of the monthly benefit payment otherwise payable to such individual under this chapter;

"(2) for each of the second six months of the individual's pursuit of such program, 55 percent of such monthly benefit payment; and

"(3) for each of the months following the first 12 months of the individual's pursuit of such program, 35 percent of such monthly benefit payment.

"(b) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly benefit payment payable under this chapter to the individual shall be limited to the same proportion of the applicable rate determined under subsection (a) of this section as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

"(c) For each month that an individual is paid a monthly benefit payment under this chapter, the individual's entitlement under this chapter shall be charged at the rate of—

"(1) 75 percent of a month in the case of payments made in accordance with subsection (a)(1) of this section;

"(2) 55 percent of a month in the case of payments made in accordance with subsection (a)(2) of this section; and

"(3) 35 percent of a month in the case of payments made in accordance with subsection (a)(3) of this section.".

(3) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1632 the following new item:

"1633. Apprenticeship or other on-job training.".

38 USC 1641.

(c) ADMINISTRATION.—Section 1641 is amended—

(1) by inserting "(a)" before "The";

(2) by striking out "sections 1777, 1780(c), and 1787) shall be applicable to the program." and inserting in lieu thereof "section 1787) shall be applicable with respect to individuals who are pursuing programs of education while serving on active duty."; and

(3) by adding at the end the following new subsection:

"(b) The provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1683, and 1691(a)(1) of this title and the provisions of chapter 36 of this title (with the exception of section 1787) shall be applicable with respect to individuals who are pursuing programs of education following discharge or release from active duty.".

38 USC 1770.

SEC. 311. DURATION OF AND LIMITATIONS ON ENTITLEMENT TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE.

The text of section 1632 is amended to read as follows:

"(a)(1) Except as provided in paragraphs (2) and (3) of this subsection, educational assistance benefits shall not be afforded an eligible veteran under this chapter more than 10 years after the date of such veteran's last discharge or release from active duty.

"(2)(A) If any eligible veteran was prevented from initiating or completing such veteran's chosen program of education during the delimiting period determined under paragraph (1) of this subsection because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application made in accordance with subparagraph (B) of this paragraph, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education.

"(B) An extension of the delimiting period applicable to an eligible veteran may be granted under subparagraph (A) of this paragraph by reason of the veteran's mental or physical disability only if the veteran submits an application for such extension to the Administrator within one year after (i) the last date of the delimiting period otherwise applicable to the veteran under paragraph (1) of this subsection, or (ii) the termination date of the period of the veteran's mental or physical disability, whichever is later.

"(3) When an extension of the applicable delimiting period is granted an eligible veteran under paragraph (2) of this subsection, the delimiting period with respect to such veteran shall again begin to run on the first day after such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations prescribed by the Administrator, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

"(b)(1) In the event that an eligible veteran has not utilized any or all of such veteran's entitlement by the end of the delimiting period applicable to the veteran under subsection (a) of this section, such eligible veteran is automatically disenrolled.

"(2)(A) Any contributions which were made by a veteran disenrolled under paragraph (1) of this subsection and remain in the fund shall be refunded to the veteran after notice of disenrollment is transmitted to the veteran and the veteran applies for such refund.

"(B) If no application for refund of contributions under subparagraph (A) of this paragraph is received from a disenrolled veteran within one year after the date the notice referred to in such subparagraph is transmitted to the veteran, it shall be presumed, for the purposes of section 1322(a) of title 31, that the veteran's whereabouts is unknown and the funds shall be transferred as provided in such section.".

SEC. 312. EDUCATIONAL AND VOCATIONAL COUNSELING.

38 USC 1663.

Section 1663 is amended by inserting after the first sentence the following: "In any case in which the Administrator has rated the veteran as being incompetent, such counseling shall be required to be provided to the veteran prior to the selection of a program of education or training.".

SEC. 313. DELIMITING PERIOD UNDER THE SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

Section 1712(b) is amended by adding at the end the following:

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in clause (B) or (D) of section 1701(a)(1) of this title) may, subject to the approval of the Administrator, be permitted to elect a date referred to in subparagraph (B) of this paragraph to commence receiving educational assistance benefits under this chapter. The date so elected shall be the beginning date of the delimiting period applicable to such person under this section.

"(B) The date which an eligible person may elect under subparagraph (A) of this paragraph is any date during the period beginning on the date the person became an eligible person within the meaning of clause (B) or (D) of section 1701(a)(1) of this title and ending on the date determined under subparagraph (A), (B), or (C) of paragraph (1) of this subsection to be applicable to such person.".

SEC. 314. ELIMINATION OF THE REQUIREMENT FOR AN EDUCATION PLAN FOR SURVIVORS AND DEPENDENTS.

(a) In General.—Section 1720 is amended to read as follows:

"§ 1720. Educational and vocational counseling

"The Administrator may, upon request, arrange for educational or vocational counseling for persons eligible for benefits under this chapter to assist such persons in selecting their educational, vocational, or professional objectives and in developing their programs of education.".

(b) Conforming Amendments.—(1) Section 1721 is amended—

(A) by striking out "finally";

(B) by striking out clause (1); and

(C) by redesignating clauses (2), (3), (4), and (5) as clauses (1), (2), (3), and (4), respectively.

(2) The heading of such section is amended to read as follows:

"§ 1721. Approval of application".

(3) The items relating to sections 1720 and 1721 in the table of sections at the beginning of chapter 35 are amended to read as follows:

"1720. Educational and vocational counseling.
"1721. Approval of application.".

SEC. 315. MEASUREMENT OF CERTAIN NONCOLLEGE DEGREE COURSES.

38 USC 1780.

(a) In General.—(1) Section 1780(a) is amended—

(A) in clause (1), by inserting ", or a course that meets the requirements of section 1788(a)(7) of this title," after "degree"; and

(B) in clause (2), by inserting "courses that meet the requirements of section 1788(a)(7) of this title and" after "excluding".

(2) Section 1788 is amended—

(A) in subsection (a)—

(i) by striking out "and" at the end of clause (5);

(ii) by striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(iii) by inserting after clause (6) the following new clause:

"(7) an institutional course not leading to a standard college degree, offered by a fully accredited institution of higher learning in residence on a standard quarter- or semester-hour basis, shall be measured as full time on the same basis as provided in clause (4) of this subsection if (A) such course is approved pursuant to section 1775 of this title, and (B) a majority of the total credits required for the course is derived from unit courses or subjects offered by the institution as part of a course, so approved, leading to a standard college degree."; and

(B) in subsection (c), by striking out "(4)".

(b) Determination in Certain Cases.—Section 1788 is amended by inserting at the end the following new subsection:

"(e) For the purpose of determining whether a course—

"(1) which is offered by an institution of higher learning, and

"(2) for which such institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree

will, during the semester (or quarter or other applicable portion of the academic year) when such unit course or subject is being pursued, be considered full time under clause (1) or (2) of subsection (a) of this section, each of the numbers of hours specified in such clause shall be deemed to be reduced, during such semester (or other portion of the academic year), by the percentage described in the following sentence and rounded as the Administrator may prescribe. Such percentage is the percentage that the number of semester hours (or the equivalent thereof) represented by such unit course or subject is of the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution.".

SEC. 316. PAYMENT OF EDUCATIONAL ASSISTANCE FOR CERTAIN LESS-THAN-HALF-TIME TRAINING.

The first sentence of section 1780(f) is amended by striking out "during" and inserting in lieu thereof "not later than the last day of".

SEC. 317. PROHIBITION ON BENEFITS UNDER MORE THAN ONE EDUCATIONAL ASSISTANCE PROGRAM.

38 USC 1781.

Section 1781(b) is amended by striking out "for the pursuit of the same program of education".

SEC. 318. REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS.

Section 1784(a) is amended—

(1) by striking out "(a) The" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2) of this subsection, the"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In the case of a program of independent study pursued on less than a half-time basis in an educational institution, the Administrator may approve a delay by the educational institution in reporting the enrollment or reenrollment of an eligible veteran or eligible person until the end of the term, quarter, or semester if the educational institution requests the delay and the Administrator determines that it is not feasible for the educational institution to monitor interruption or termination of the veteran's or eligible person's pursuit of such program.

"(B) An educational institution which, pursuant to subparagraph (A) of this paragraph, is delaying the reporting of the enrollment or reenrollment of a veteran shall provide the veteran with notice of the delay at the time that the veteran enrolls or reenrolls.".

SEC. 319. PROHIBITION OF A TERM-BY-TERM CERTIFICATION REQUIREMENT.

Section 1784(a), as amended by section 318 of this Act, is further amended by adding at the end the following new paragraph:

"(3)(A) Subject to subparagraph (B) of this paragraph, an educational institution offering courses on a term, quarter, or semester basis may certify the enrollment of a veteran who is not on active duty, or of an eligible person, in such courses for more than one term, quarter, or semester at a time, but not for a period extending beyond the end of a school year (including the summer enrollment period).

"(B) Subparagraph (A) of this paragraph shall not apply with respect to any term, quarter, or semester for which the veteran or eligible person is enrolled on a less than half-time basis and shall not be construed as restricting the Administrator from requiring that an educational institution, in reporting an enrollment for more than one term, quarter, or semester, specify the dates of any intervals within or between any such terms, quarters, or semesters.".

SEC. 320. COMMISSION TO ASSESS VETERANS' EDUCATION POLICY.

38 USC 1792 note.

(a) ESTABLISHMENT AND MEMBERS.—(1) There is established a Commission on Veterans' Education Policy (hereafter in this section referred to as the "Commission").

(2)(A) The Commission shall consist of 11 members, 10 of whom shall be appointed, not later than March 1, 1987, by the Administrator of Veterans' Affairs in consultation with the chairmen and the ranking minority members of the Committees on Veterans' Affairs of the Senate and of the House of Representatives (hereafter in this section referred to as "the Committees"), and one of whom shall be the chairman of the Advisory Committee on Education established under section 1792 of title 38, United States Code (as amended by section 304).

(B) The members of the Commission—

(i) shall be broadly representative of entities engaged in providing education and training and of veterans' service organizations; and

(ii) shall be selected on the basis of their knowledge of and experience in education and training policy and the implementation of such policy with respect to programs of assistance administered by the Veterans' Administration.

(3) The Administrator of Veterans' Affairs, the ex officio members of the Advisory Committee on Education referred to in paragraph (2)(A), and the chairmen and ranking minority members of the Committees (or, in the case of any such individual, a designee of any such individual) shall be ex officio, nonvoting members of the Commission.

(4)(A) The Administrator shall designate a member from among the voting members of the Commission to chair the Commission.

(B) The chairman of the Commission, with the concurrence of the Commission, shall appoint an executive director, who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Commission.

(C) The Administrator shall furnish the Commission with such professional, technical, and clerical staff and services and administrative support as the Commission determines necessary for the Commission to carry out the provisions of this section effectively.

(b) First Report.—(1) Not later than 18 months after the date on which at least 8 members of the Commission have been appointed, the Commission shall submit a report on the Commission's findings and recommendations on the matters described in paragraph (2) of this subsection to the Administrator and the Committees.

(2) The report required by paragraph (1) shall include the Commission's findings, views, and recommendations on the following matters:

(A) The need for distinctions between certificate-granting courses and degree-granting courses.

(B) The measurement of courses for the purposes of payment of educational assistance benefits.

(C) The vocational value of courses offered through home study.

(D) The role of innovative and nontraditional programs of education and the manner in which such programs should be treated for purposes of payment of educational assistance benefits by the Veterans' Administration, including courses that result in the achievement of continuing education units.

38 USC 1401 *et seq.*, 1500 *et seq.*, 1601 *et seq.*, 1651 *et seq.*, 1700 *et seq.*, 1770 *et seq.*

(E) Such other matters relating to administration of chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, by the Veterans' Administration as (i) the Commission considers appropriate or necessary, or (ii) are suggested by the Administrator or, concurrently, by the chairmen and ranking minority members of the Committees.

(c) Interim and Final Reports.—(1) Not later than 6 months after the date on which the report is submitted under subsection (b), the Administrator shall submit an interim report to the Committees. The interim report shall contain—

(A) the Administrator's views on the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to the implementation of such recommendations;

100 STAT. 3277

(B)(i) the Administrator's views on any legislation or regulations proposed by the Commission, (ii) the Administrator's views on the need for any alternative or additional legislation or regulations to implement the Commission's recommendations, (iii) the Administrator's recommendations for any such alternative or additional legislation, (iv) the proposed text of any regulations referred to in subclause (i) or (ii) which the Administrator considers necessary and the proposed text of any legislation referred to in such subclause which is recommended by the Administrator, and (v) a cost estimate for the implementation of any regulations and legislation referred to in such subclause; and

(C) any other proposals that the Administrator considers appropriate in light of the Commission's report.

(2) Not later than 90 days after the date on which the Administrator's interim report is submitted under paragraph (1), the Commission shall submit a report to the Administrator and the Committees containing the Commission's views on the Administrator's interim report.

(3) Not later than two years after the date on which the Commission's report is submitted under subsection (b), the Administrator shall submit a final report to the Committees. The final report shall

include the actions taken with respect to the recommendations of the Commission and any further recommendations the Administrator considers appropriate.

(d) TERMINATION.—The Commission shall terminate 90 days after the date on which the Administrator submits the final report required by subsection (c)(3).

SEC. 321. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38 is amended as follows:

(1) Section 1411(a) is amended—

(A) in clause (1)(A)(ii)(II), by inserting "continuous" after "months of" both places it appears; and

(B) in clause (1)(B)(ii)(II), by inserting "continuous" after "months of".

(2) Section 1412 is amended—

(A) in subsection (a), by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)"; and

(B) in subsection (b)(1), by inserting "such" after "three and one-half years of".

(3) Section 1413 is amended—

(A) in subsection (a)(2), by inserting the following before the period at the end: "after the date of the beginning of the period for which the individual's basic pay is reduced under section 1411(b) of this title, in the case of an individual described in section 1411(a)(1)(A)(ii)(I) of this title, or after June 30, 1985, in the case of an individual described in section 1411(a)(1)(B)(ii)(I) of this title"; and

(B) in subsection (b)—

(i) by inserting in clause (1) after "individual" the following: "after the date of the beginning of the period for which such individual's basic pay is reduced under section 1412(c) of this title, in the case of an individual described in section 1412(a)(1)(A), or after June 30, 1985, in the case of an individual described in section 1412(a)(1)(B) of this title"; and

100 STAT. 3278

(ii) by inserting "after the applicable date specified in clause (1) of this subsection" after "Selected Reserve" in clause (2).

(4) The text of section 1416 is amended to read as follows: 38 USC 1416.

"(a) A member of the Armed Forces who—

"(1) first becomes a member or first enters on active duty as a member of the Armed Forces after June 30, 1985, and does not make an election under section 1411(c)(1) or section 1412(d)(1);

"(2) completes at least two years of service on active duty after such date;

"(3) after such service, continues on active duty or in the Selected Reserve without a break in service (except as described in section 1412(b)(2) of this title); and

"(4) but for section 1411(a)(1)(A)(i)(I) or 1412(a)(1)(A)(ii) of this title would be eligible for basic educational assistance,

may receive educational assistance under this chapter for enrollment in an approved program of education while continuing to perform the duty described in section 1411(a)(1)(A)(i)(I) or 1412(a)(1)(A)(ii) of this title.

"(b) A member of the Armed Forces who—

"(1) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title; 38 USC 1651 *et seq.*

"(2) after June 30, 1985, has served the two years required by section 1412(a)(1)(B)(i); and

"(3) but for section 1412(a)(1)(B)(ii) of this title would be eligible for basic educational assistance,

may, after December 31, 1989, receive educational assistance under this chapter for enrollment in an approved program of education while continuing to perform the duty described in section 1412(a)(1)(B)(ii) of this title.".

(5) Section 1421 is amended by striking out "in addition to" each place it appears in subsections (a)(1) and (b)(1) and inserting in lieu thereof "after".

(6) Section 1421(c)(1) is amended by striking out "his" and inserting in lieu thereof "the member's".

(7)(A) Subsection (a) of section 1431 is amended by striking out "(d)" and inserting in lieu thereof "(e)".

(B) Subsection (b) of such section is amended—

(i) by striking out "subchapter II or III of";

(ii) by striking out "of such subchapter" and inserting in lieu thereof "of this chapter";

(iii) by striking out "(1)" after "before"; and

(iv) by striking out "or (2)" and all that follows through "1412(a)(3) of this title,".

(C) Subsection (e)(2) of such section is amended by inserting "not" after "educational institution".

(8) Section 1435(b)(2) is amended by striking out "section 1415(a)" and inserting in lieu thereof "subsection (a) or (b) of section 1415".

(9) Section 1781(b) is amended by striking out "Chapter 107" in clause (2) and inserting in lieu thereof "Chapters 106 and 107".

(10) Section 3013 is amended by inserting "30," after "chapters".

(11) Section 3103A(b)(3) is amended—

100 STAT. 3279

(A) by striking out "or" at the end of clause (D);

(B) by striking out the period at the end of clause (E) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following new clause:

38 USC 1401 *et seq.*

"(F) to benefits under chapter 30 of this title in the case of a person entitled to benefits under such chapter by reason of section 1411(a)(1)(A)(ii)(II) of this title.".

PART B—EMPLOYMENT AND OTHER PROGRAMS

SEC. 331. EMPLOYMENT RIGHTS OF CERTAIN INDIVIDUALS.

Section 2021(b)(3) is amended—

(1) by inserting "seeks or" after "who";

(2) by inserting "hiring," after "shall not be denied"; and

(3) by inserting a comma after "employment" the first place it appears.

SEC. 332. VETERANS' READJUSTMENT APPOINTMENTS.

Section 2014(b)(2) is amended by striking out "September 30, 1986" and inserting in lieu thereof "December 31, 1989".

SEC. 333. EXTENSION OF PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

(a) EXTENSION OF AUTHORITY AND CLARIFYING AMENDMENT.—(1) Section 1520(a) is amended—

(A) in paragraphs (1), (5), and (6), by striking out "1985" each place it appears and inserting in lieu thereof "1989"; and

(B) in paragraph (2), by inserting "currently" after "goal".

(b) CONFORMING AMENDMENTS.—(1) Paragraphs (6)(B) and (9)(A)(i) of section 1501 are amended by inserting "currently" after "be".

(2) Section 1503(d) is amended by inserting "currently" after "goal".

(3) Section 1505 is amended—

(A) in subsection (a), by inserting "currently" after "whether it";

(B) in subsection (b), by inserting "current" after "of the"; and

(C) in subsection (d), by inserting "currently" after "goal".

(4) Section 1506 is amended—

(A) in subsection (a)(2)(B), by inserting "currently" after "goal";

(B) in subsection (b), by inserting "currently" after "goal";

(C) in subsection (c), by inserting "currently" after "goal" the first place it appears; and

(D) in subsection (d)—

(i) in the first sentence, by inserting "currently" after "veteran"; and

(ii) in the third sentence, by inserting "currently" after "goal" and after "achievement" the second place it appears.

(5) Section 1509 is amended by inserting "currently" after "veteran" the first place it appears.

(6) The heading for section 1520 is amended by striking out "**Pilot Program**" and inserting in lieu thereof "**Program**".

(7) The item relating to section 1520 in the table of sections at the beginning of chapter 31 is amended by striking out "Pilot program" and inserting in lieu thereof "Program".

(c) REPORT.—Section 1520(b) is amended to read as follows:

"(b) Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives statistical data regarding veterans' participation in the program conducted under subsection (a) of this section during fiscal years 1987 and 1988 and any recommendations of the Administrator for administrative or legislative action or both regarding the program.".

TITLE IV—HOUSING PROGRAMS AND NATIONAL CEMETERIES

PART A—HOUSING

SEC. 401. SPECIALLY ADAPTED HOUSING.

38 USC 801.

(a) IN GENERAL.—Section 801(b)(1) is amended by inserting before the period the following: "or in acquiring a residence already adapted with special features determined by the Administrator to be reasonably necessary for the veteran because of such disability".

(b) CONFORMING AMENDMENT.—Section 802(b)(1) is amended by striking out "cost" and inserting in lieu thereof "cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value,".

SEC. 402. CREDIT UNDERWRITING AND LOAN PROCESSING STANDARDS.

(a) IN GENERAL.—Section 1810(b)(3) is amended by inserting before the semicolon at the end the following: ", as determined in accordance with the credit underwriting standards established pursuant to subsection (g) of this section".

(b) DEFINITION AND STANDARDS.—Section 1810 is amended by adding at the end the following new subsection:

"(g)(1) For the purposes of this subsection, the term 'veteran', when used with respect to a loan guaranteed or to be guaranteed under this chapter, includes the veteran's spouse if the spouse is jointly liable with the veteran under the loan.

Regulations.

"(2) For the purpose of determining whether a veteran meets the standards referred to in subsection (b)(3) of this section and section 1819(e)(2) of this title, the Administrator shall prescribe regulations which establish—

"(A) credit underwriting standards to be used in evaluating loans to be guaranteed under this chapter; and

"(B) standards to be used by lenders in obtaining credit information and processing loans to be guaranteed under this chapter.

"(3) In the regulations prescribed under paragraph (2) of this subsection, the Administrator shall establish standards that include—

"(A) debt-to-income ratios to apply in the case of the veteran applying for the loan;

"(B) criteria for evaluating the reliability and stability of the income of the veteran applying for the loan; and

"(C) procedures for ascertaining the monthly income required by the veteran to meet the anticipated loan payment terms.

"(4)(A) Any lender making a loan under this chapter shall certify, in such form as the Administrator shall prescribe, that the lender has complied with the credit information and loan processing standards established under paragraph (2)(B) of this subsection, and that, to the best of the lender's knowledge and belief, the loan meets the underwriting standards established under paragraph (2)(A) of this subsection.

Law enforcement and crime.

"(B) Any lender who knowingly and willfully makes a false certification under subparagraph (A) of this paragraph shall be liable to the United States Government for a civil penalty equal to two times the amount of the Administrator's loss on the loan involved or to another appropriate amount, not to exceed $10,000, whichever is greater. All determinations necessary to carry out this subparagraph shall be made by the Administrator.

"(5) Pursuant to regulations prescribed to carry out this paragraph, the Administrator may, in extraordinary situations, waive the application of the credit underwriting standards established under paragraph (2) of this subsection when the Administrator determines, considering the totality of circumstances, that the veteran is a satisfactory credit risk.".

38 USC 1816.

(c) CONFORMING AMENDMENTS.—(1) Section 1816 is amended by adding at the end the following new subsection:

Real property.

"(e) The Administrator may not make a loan to finance a purchase of property acquired by the Administrator as a result of a default on a loan guaranteed under this chapter unless the purchaser meets the credit underwriting standards established under section 1810(g)(2)(A) of this title.".

(2) Section 1819(e)(2) is amended by inserting "as determined in accordance with the regulations prescribed under section 1810(g) of this title and" after "credit risk,".

SEC. 403. FORECLOSURE INFORMATION.

Section 1816, as amended by section 402(c)(1) of this Act, is amended by adding at the end the following new subsection:

"(f)(1) The Administrator shall identify and compile information on common factors which the Administrator finds contribute to foreclosures on loans guaranteed under this chapter.

Reports.

"(2) The Administrator shall include a summary of the information compiled, and the Administrator's findings, under paragraph (1) of this subsection in the annual report submitted to the Congress under section 214 of this title. As part of such summary and findings, the Administrator shall provide a separate analysis of the factors which contribute to foreclosures of loans which have been assumed.".

SEC. 404. COMPETITIVE CONTRACTING REQUIREMENTS.

Section 1820(b) is amended by striking out "$1,000" and inserting in lieu thereof "the amount prescribed in clause (1) of the first sentence of such section".

SEC. 405. AUTHORITY TO TRANSFER FUNDS.

Section 1823 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Treasury shall transfer from the direct loan revolving fund to the loan guaranty revolving fund established by section 1824(a) of this title such amounts as the Administrator determines are not needed in the direct loan revolving fund.

"(2) Not later than 30 days after the date on which the Secretary makes a transfer under paragraph (1) of this subsection, the

Administrator shall submit a notice of such transfer to the appropriate committees of the Congress.". 100 STAT. 3282

SEC. 406. USE OF ATTORNEYS IN HOME LOAN FORECLOSURES.

The second sentence of section 1830(a) is amended by striking out "With the concurrence of the Attorney General of the United States, the" and inserting in lieu thereof "The".

SEC. 407. APPRAISALS.

(a) IN GENERAL.—Subchapter III of chapter 37 is amended by adding at the end the following new section 1831:

"§ 1831. Appraisals

Loans.
Real property.
38 USC 1834.

"(a) The Administrator shall—

"(1) in consultation with appropriate representatives of institutions which are regularly engaged in making housing loans, prescribe uniform qualifications for appraisers;

"(2) use such qualifications in determining whether to approve an appraiser to make appraisals of the reasonable value of any property, construction, repairs, or alterations for the purposes of this chapter; and

"(3) in consultation with local representatives of institutions described in clause (1) of this subsection, develop and maintain lists of appraisers who are approved under clause (2) of this subsection to make appraisals for the purposes of this chapter.

"(b) The Administrator shall select appraisers from a list required by subsection (a)(3) of this section on a rotating basis to make appraisals for the purposes of this chapter.

"(c) The Administrator shall, upon request, furnish a copy of the appraisal made of property for the purposes of this chapter to the lender proposing to make the loan which is to be secured by such property and is to be guaranteed under this chapter.

"(d) If a lender—

"(1) has proposed to make a loan to be guaranteed under this chapter,

"(2) has been furnished a certificate of reasonable value of any property or of any construction, repairs, or alterations of property which is to be the security for such loan, and

"(3) within a reasonable period prescribed by the Administrator, has furnished to the Administrator an additional appraisal of the reasonable value of such property, construction, repairs, or alterations which was made by an appraiser selected by the lender from the list required by subsection (a)(3) of this section,

the Administrator shall consider both the initial appraisal and the additional appraisal and shall, if appropriate, issue a revised certificate of reasonable value of such property, construction, repairs, or alterations.

"(e)(1) In no case may a veteran be required to pay all or any portion of the cost of the additional appraisal described in subsection (d)(3) of this section.

"(2) If a veteran, within a reasonable period prescribed by the Administrator, has furnished to the Administrator an additional appraisal of the reasonable value of such property, construction, repairs, or alterations which was made by an appraiser selected by the veteran from the list required by subsection (a)(3) of this section, the Administrator shall consider such appraisal, along with other appraisals furnished to the Administrator, and shall, if appropriate, issue a revised certificate of reasonable value of such property, construction. repairs, or alterations.". 100 STAT. 3283

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1830 the following new item:

"1831. Appraisals.".

SEC. 408. FURNISHING INFORMATION TO REAL ESTATE PROFESSIONALS TO FACILITATE THE DISPOSITION OF PROPERTIES.

(a) In General.—Subchapter III of chapter 37, as amended by section 407(a) of this Act, is further amended by adding at the end the following new section:

38 USC 1832.

"§ 1832. Furnishing information to real estate professionals to facilitate the disposition of properties

"The Administrator shall furnish to real estate brokers and other real estate sales professionals information on the availability of real property for disposition under this chapter and the procedures used by the Veterans' Administration to dispose of such property.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1831, as added by section 407(b) of this Act, the following new item:

"1832. Furnishing information to real estate professionals to facilitate the disposition of properties.".

38 USC 1829 note.

SEC. 409. HOME LOAN ORIGINATION FEE.

It is the sense of the Congress that the Veterans' Administration loan origination fee should not be increased above its present level of one percent of the amount of the loan guaranteed.

Part B—National Cemeteries

SEC. 411. NATIONAL CEMETERY GRAVE MARKERS.

Section 1004(c) is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Subject to paragraph (2), each"; and

(2) by adding at the end the following:

"(2) The grave markers referred to in paragraph (1) shall be upright for interments that occur on or after January 1, 1987, except that—

"(A) in the case of any cemetery scheduled to be closed by September 30, 1991, as indicated in the documents submitted by the Administrator to the Congress in justification for the amounts included for Veterans' Administration programs in the President's Budget for fiscal year 1987, the Administrator may provide for flat grave markers; and

"(B) in the case of any cemetery with a section which has flat markers on the date of the enactment of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, the Administrator may continue to provide for flat grave markers in such section.".

38 USC 1000 note.

SEC. 412. REPORTS ON THE NATIONAL CEMETERY SYSTEM.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the National Cemetery System established by section 1000 of title 38, United States Code. The Administrator shall submit a second such report not later than 60 months after such date.

(b) Contents.—Each report required by subsection (a) shall include—

(1) a plan for the operation of the National Cemetery System through the year 2000, including a description of anticipated general trends relating to the operation of the National Cemetery System between the years 2000 and 2020 and a discussion of the provisions of the plan which were developed in response to those trends;

(2) a list, in order of priority, of the 10 geographic areas in the United States in which the need for additional burial space for veterans is greatest;

(3) assessments of the desirability and feasibility of acquiring existing State veterans' cemeteries in the geographic areas identified on the list described in clause (2) and of the role of State veterans' cemeteries in such areas and generally in meeting the needs for burial space for veterans; and

(4) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for any anticipated expansion of the National Cemetery System, including plans for meeting (A) the need for burial space for veterans in each geographic area identified on the list described in clause (2), and (B) the need for burial space for veterans in cemeteries other than cemeteries in the National Cemetery System in those areas.

SEC. 413. MEMORIAL AREAS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end the following new section:

"§ 1009. Memorial areas in Arlington National Cemetery

Virginia.
38 USC 1009.

"(a) The Secretary of the Army may set aside, when available, a suitable area or areas in Arlington National Cemetery, Virginia, to honor the memory of members of the Armed Forces and veterans—

"(1) who are missing in action;

"(2) whose remains have not been recovered or identified;

"(3) whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;

"(4) whose remains were donated to science; or

"(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

"(b) Under regulations prescribed by the Secretary, appropriate memorials or markers may be erected in Arlington National Cemetery to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1009. Memorial areas in Arlington National Cemetery.".

SEC. 414. AUTHORITY TO ESTABLISH NATIONAL CEMETERIES.

38 USC 1000 note.

(a) AUTHORITY.—The authority of the Administrator of Veterans' Affairs under chapter 24 of title 38, United States Code, to develop and acquire cemeteries as part of the National Cemetery System includes, but is not limited to, the authority to establish additional national cemeteries to serve the needs of veterans and their families in—

38 USC 1000 *et seq.*

100 STAT. 3285

(1) San Francisco, California; California.

(2) Chicago, Illinois; Illinois.

(3) Cleveland, Ohio; Ohio.

(4) Pittsburgh, Pennsylvania; Pennsylvania.

(5) Dallas/Fort Worth, Texas; Texas.

(6) Miami, Florida; Florida.

(7) Seattle, Washington; Washington.

(8) Atlanta, Georgia; Georgia.

(9) Phoenix/Tucson, Arizona; Arizona.

(10) Birmingham, Alabama; and Alabama.

(11) any other State in which a national cemetery is not available for the burial of veterans.

(b) LAND ACQUISITION.—The Administrator may acquire land necessary for a cemetery authorized by subsection (a) of this section by donation, purchase, condemnation, exchange of lands in the United States public domain, or otherwise.

TITLE V—ADMINISTRATIVE PROVISIONS

SEC. 501. CLARIFICATION OF REQUIREMENT FOR A DETAILED PLAN AND JUSTIFICATION FOR ADMINISTRATIVE REORGANIZATION.

Section 210(b)(2)(C) is amended by inserting at the end the following:

"(iii) The term 'detailed plan and justification' means, with respect to an administrative reorganization, a written report which, at a minimum—

"(I) specifies the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished;

"(II) identifies any existing or planned office or facility at which the number of employees is to be increased and specifies the number and responsibilities of the additional employees at each such office or facility;

"(III) describes the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subparagraph (A) of this paragraph;

"(IV) explains the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Veterans' Administration;

"(V) describes the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Veterans' Administration not directly affected by the reorganization); and

"(VI) provides estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.". 100 STAT. 3286

SEC. 502. COLLOCATION OF REGIONAL OFFICES AND MEDICAL CENTERS.

(a) IN GENERAL.—(1) Not later than March 1, 1987, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan, including a schedule, for collocating at least seven regional offices of the Veterans' Administration described in paragraph (3) with Veterans' Administration medical centers on the grounds of such medical centers. The plan and schedule shall provide for the collocations to be commenced and completed as soon as practicable.

(2) The plan required by paragraph (1) shall include—

(A) an analysis of the estimated costs and savings which would result from the collocations;

(B) the advantages and costs of furnishing personnel, supply, administration, and finance services and other supporting services jointly to regional offices of the Veterans' Administration and Veterans' Administration medical centers; and

(C) any other advantages and any disadvantages of such collocations relating to costs and the provision of benefits and services to veterans.

(3) The regional offices referred to in paragraphs (1) and (2) are regional offices of the Veterans' Administration which are not located at Veterans' Administration medical centers on the date of the enactment of this Act.

(b) LIMITATION.—The plan submitted pursuant to subsection (a) shall provide for the collocation of only a regional office and a medical center which are located, on the date of the enactment of this Act, in the same metropolitan area.

SEC. 503. EFFECTIVE DATE OF DISCONTINUANCE OF CERTAIN BENEFITS PAID TO INCOMPETENT INDIVIDUALS.

38 USC 3012.

Section 3012 is amended by adding at the end the following new subsection:

"(c) The effective date of a discontinuance under section 3203(b)(1)(A) of this title of pension, compensation, or emergency officers' retirement pay by reason of hospital treatment or institutional or domiciliary care shall be the last day of the first month of such treatment or care during which the value of the veteran's estate, as determined under such section, equals or exceeds $1,500.".

SEC. 504. ADMINISTRATIVE DEBT COLLECTION BY OFFSET OF BENEFITS.

Section 3101 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Notwithstanding any other provision of this section, the Administrator may, after receiving a request under paragraph (2) of this subsection relating to a veteran, collect by offset of any compensation or pension payable to the veteran under laws administered by the Veterans' Administration the uncollected portion of the amount of any indebtedness associated with the veteran's participation in a plan prescribed in subchapter I or II of chapter 73 of title 10.

10 USC 1431 *et seq.*, 1447 *et seq.*

"(2) If the Secretary concerned (as defined in section 101(5) of title 37) has tried under section 3711(a) of title 31 to collect an amount described in paragraph (1) of this subsection in the case of any veteran, has been unable to collect such amount, and has determined that the uncollected portion of such amount is not collectible from amounts payable by the Secretary to the veteran or that the veteran is not receiving any payment from the Secretary, the Secretary may request the Administrator to make collections in the case of such veteran as authorized in paragraph (1) of this subsection.

100 STAT. 3287

"(3)(A) A collection authorized by paragraph (1) of this subsection shall be conducted in accordance with the procedures prescribed in section 3716 of title 31 for administrative offset collections made after attempts to collect claims under section 3711(a) of such title.

"(B) For the purposes of subparagraph (A) of this paragraph, as used in the second sentence of section 3716(a) of title 31—

"(i) the term 'records of the agency' shall be considered to refer to the records of the department of the Secretary concerned; and

"(ii) the term 'agency' in clauses (3) and (4) shall be considered to refer to such department.

"(4) Funds collected under this subsection shall be credited to the Department of Defense Military Retirement Fund under chapter 74 of title 10.".

10 USC 1461 *et seq.*

SEC. 505. DISCLOSURE OF FINANCIAL INFORMATION BY FIDUCIARIES.

Section 3202(b) is amended by inserting after the second sentence the following: "The Administrator may require the fiduciary, as part of such account, to disclose any additional financial information concerning the beneficiary (except for information that is not available to the fiduciary).".

TITLE VI—EXEMPTION OF CERTAIN PROGRAMS FROM BUDGET REDUCTION

SEC. 601. TREATMENT OF CERTAIN VETERANS' PROGRAMS UNDER BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) In General.—(1) Chapter 1 is amended by adding at the end the following new section:

38 USC 113.

"§ 113. Treatment of certain programs under sequestration procedures

"(a) The following programs shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

Insurance.
38 USC 801 *et seq.*

"(1) Benefits under chapter 21 of this title, relating to specially adapted housing and mortgage-protection life insurance for certain veterans with service-connected disabilities.

"(2) Benefits under section 907 of this title, relating to burial benefits for veterans who die as the result of a service-connected disability.

Motor vehicles.
Handicapped persons.
38 USC 671 *et seq.*

"(3) Benefits under chapter 39 of this title, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

38 USC 1500 *et seq.*

"(4) Assistance and services under chapter 31 of this title, relating to training and rehabilitation for certain veterans with service-connected disabilities (but only with respect to fiscal year 1987).

38 USC 1700 *et seq.*

"(5) Benefits under chapter 35 of this title, relating to educational assistance for survivors and dependents of certain veterans with service-connected disabilities (but only with respect to fiscal year 1987).

"(b) The following accounts of the Veterans' Administration shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

Insurance.

"(1) The following life insurance accounts:

"(A) The National Service Life Insurance Fund authorized by section 720 of this title.

"(B) The Service-Disabled Veterans Insurance Fund authorized by section 722 of tnis title.

"(C) The Veterans Special Life Insurance Fund authorized by section 723 of this title.

"(D) The Veterans Reopened Insurance Fund authorized by section 725 of this title.

"(E) The United States Government Life Insurance Fund authorized by section 755 of this title.

"(F) The Veterans Insurance and Indemnity appropriation authorized by section 719 of this title.

"(2) The following revolving fund accounts:

"(A) The Veterans' Administration Special Therapeutic and Rehabilitation Activities Fund established by section 618(c) of this title.

"(B) The Veterans' Canteen Service revolving fund authorized by section 4204 of this title.

"(c)(1) A benefit under section 901, 902, 903, 906, or 908 of this title that is subject to reduction under a sequestration order or sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect on the date of the death of the veteran concerned.

38 USC 1401 *et seq.*, 1651 *et seq.*, 1770 *et seq.*

"(2) A benefit paid to, or on behalf of, an eligible veteran for pursuit of a program of education or training under chapter 30, 34, or 36 of this title that is subject to a sequestration order or a sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect during the period of education or training for which the benefit is paid.

"(3) In implementation of a sequestration order or law with respect to each account from which a benefit described in paragraph (1) or (2) of this subsection is paid (including the making of determinations of the amounts by which such benefits are to be reduced), the total of the amounts (as estimated by the Administrator after consultation with the Director of the Congressional Budget Office) by which payments of such benefit will be reduced by reason of such paragraph after the last day of the period during which such order or law is in effect shall be deemed to be additional reductions in the payments of such benefit made, and in new budget authority for such payments, during such period.

"(d) In computing the amount of new budget authority by which a budget account of the Veterans' Administration is to be reduced for a fiscal year under a joint report of the Directors of the Office of Management and Budget and the Congressional Budget Office, or under an order of the President under part C of the Balanced Budget and Emergency Deficit Control Act of 1985, the base from which the amount of the reduction for such account is determined shall be established without regard to any amount of new budget authority in such account (determined under section 251(a)(6) of such Act) for any of the programs listed in subsection (a) of this section.

2 USC 901.

Reports.

"(e) If a final order issued by the President pursuant to a law providing for the cancellation of loan guarantee commitments imposes a limitation on the total amount of loans that may be guaranteed under chapter 37 of this title in any fiscal year, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a monthly report (not later than the 10th day of each month during the remainder of such fiscal year following the issuance of such final order) providing the following information:

38 USC 1801 *et seq.*

"(1) The total amount of the loans for which commitments of guarantees were made under such chapter during the preceding month.

"(2) The total amount of the loans for which commitments were made during the fiscal year through the end of such preceding month.

"(3) The Administrator's estimates as to the total amounts of the loans for which commitments would, in the absence of any limits on such commitments or guarantees, be made during (A) the month in which the report is required to be submitted, and (B) the succeeding months of the fiscal year.

"(f) This section applies without regard to any other provision of law (whether enacted before, on, or after the date of the enactment of this section) unless such Act expressly provides that it is enacted as a limitation to this section.

"(g) For the purposes of this section:

"(1) The term 'sequestration' means a reduction in spending authority and loan guarantee commitments generally throughout the Government under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law.

"(2) The term 'sequestration law' means a law enacted with respect to a sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law (under the procedures specified in that Act or otherwise).

"(3) The term 'sequestration order' means an order of the President issued under part C of such Act.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"113. Treatment of certain programs under sequestration procedures.".

(b) Effective Date.—Section 113 of title 38, United States Code (as added by subsection (a)), shall apply with respect to a sequestration order issued, or a sequestration law enacted, for a fiscal year after fiscal year 1986.

38 USC 113 note.

TITLE VII—TECHNICAL AMENDMENTS

SEC. 701. ELIMINATION OF GENDER-BASED LANGUAGE DISTINCTIONS IN TITLE 38.

Title 38 is amended as follows:

(1)(A) Section 102 is amended—

100 STAT. 3290

(i) by striking out subsection (b);

(ii) by striking out "(1)" after "(a)";

(iii) by striking out "(2)" before "Dependency" and inserting in lieu thereof "(b)";

(iv) by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively; and

(v) by striking out "(3) For the purposes of this subsection" and inserting in lieu thereof "(C) For the purposes of this section,".

(B) The heading of section 102 and the item relating to that section in the table of sections at the beginning of chapter 1 are amended by striking out the semicolon and the last word.

(2) Section 103 is amended—

38 USC 103.

(A) in subsection (a)—

(i) by striking out "woman as the widow" and inserting in lieu thereof "person as the widow or widower";

(ii) by striking out "she" and inserting in lieu thereof "such person";

(iii) by striking out "him" and inserting in lieu thereof "the veteran";

(iv) by striking out "his" and inserting in lieu thereof "the veteran's"; and

(v) by striking out "legal widow" and inserting in lieu thereof "legal widow or widower";

(B) in subsection (b), by striking out "widow" and inserting in lieu thereof "surviving spouse";

(C) in subsection (c), by striking out "woman is or was the wife" and inserting in lieu thereof "person is or was the spouse";

(D) in subsection (d)(1), by striking out "widow of a veteran shall not bar the furnishing of benefits to her as the widow" and inserting in lieu thereof "surviving spouse of a veteran shall not bar the furnishing of benefits to such person as the surviving spouse";

(E) in subsection (d)(2)—

(i) by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse"; and

(ii) by striking out "her" and inserting in lieu thereof "such person"; and

(F) in subsection (d)(3)—

(i) by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse";

(ii) by striking out "man" and inserting in lieu thereof "person";

(iii) by striking out "herself" and inserting in lieu thereof "himself or herself";

(iv) by striking out "his wife" and inserting in lieu thereof "that person's spouse"; and

(v) by striking out "her" and inserting in lieu thereof "that person".

(3) Section 104(b) is amended by striking out "him" and inserting in lieu thereof "the Administrator".

(4) Section 105 is amended—

(A) in subsection (a)—

(i) by striking out "his" in the first sentence and inserting in lieu thereof "the person's"; and

(ii) by striking out "him" in the second sentence and inserting in lieu thereof "the person"; and

(B) in subsection (b), by striking out "service, or by absenting himself" in clause (1) and inserting in lieu thereof "service or by absenting himself or herself".

(5) Section 106 is amended—

38 USC 106.

(A) in subsection (b)(2), by striking out "his" and inserting in lieu thereof "the person's";

(B) in subsection (c)—

(i) by striking out "him" and inserting in lieu thereof "that individual";

(ii) by striking out "his" and inserting in lieu thereof "that individual's"; and

(iii) by striking out "he" and inserting in lieu thereof "that individual"; and

(C) in subsection (d)—

(i) by striking out "by him" in clause (2);

(ii) by striking out "he" each place it appears in the second sentence and inserting in lieu thereof "such individual"; and

(iii) by striking out "his" in the second sentence and inserting in lieu thereof "the".

(6) Section 107(a) is amended by striking out "his" in the last sentence and inserting in lieu thereof "such member's".

(7) Section 108(b) is amended by striking out "his" both places it appears and inserting in lieu thereof "that individual's".

(8) Section 109(b) is amended by striking out "he" in the second sentence and inserting in lieu thereof "such person".

(9) Section 210 is amended—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Administrator";

(B) in subsection (a), by striking out "He" and inserting in lieu thereof "The Administrator";

(C) in subsection (c)(3)(A), by striking out "widow" and inserting in lieu thereof "surviving spouse"; and

(D) in subsection (c)(3)(B), by striking out "him" and inserting in lieu thereof "the Administrator".

(10) Sections 212(a), 215, and 217(b) are amended by striking out "he" and inserting in lieu thereof "the Administrator".

(11) Section 213 is amended—

(A) by striking out "he" in the first sentence and inserting in lieu thereof "the Administrator"; and

(B) by striking out "his" in the second sentence and inserting in lieu thereof "the Administrator's".

(12) Section 219(a) is amended—

(A) by striking out "he" and inserting in lieu thereof "the Administrator"; and

(B) by striking out "him" and inserting in lieu thereof "the Administrator".

(13) Section 230(a) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(14) Section 233 is amended—

(A) by striking out "he" in subsection (a) and inserting in lieu thereof "the Administrator"; and

(B) in subsection (b), by striking out "when he determines" and inserting in lieu thereof "upon determining"

(15) Section 235 is amended by striking out "his" and inserting in lieu thereof "the President's".

38 USC 236.

(16) Section 236 is amended by striking out "his" and inserting in lieu thereof "the Administrator's".

(17) Section 241 is amended—

(A) by striking out "his" in paragraph (1) and inserting in lieu thereof "the veteran's"; and

(B) by striking out "he" in paragraph (2) and inserting in lieu thereof "the Administrator".

(18) Section 242(a) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(19) Section 244(5) is amended by striking out "his" and inserting in lieu thereof "the Administrator's".

(20) Section 602 is amended by striking out "his".

(21) Section 704 is amended—

(A) in subsection (d)—

(i) by striking out "his" each place it appears and inserting in lieu thereof "the insured's"; and

(ii) by striking out "he" each place it appears and inserting in lieu thereof "the insured"; and

(B) in subsection (e)—

(i) by striking out "his" and inserting in lieu thereof "the insured's"; and

(ii) by striking out "he" and inserting in lieu thereof "the Administrator".

(22) Section 705 is amended—

(A) by striking out "his" each place it appears and inserting in lieu thereof "the"; and

(B) by striking out "him" and inserting in lieu thereof "the insured".

(23) Section 707 is amended by striking out "his" in subsections (a) and (c) and inserting in lieu thereof "the insured's".

(24) Section 708 is amended by striking out "his" and inserting in lieu thereof "the insured's".

(25) Section 712 is amended—

(A) by striking out "his" each place it appears and inserting in lieu thereof "the insured's"; and

(B) by striking out "he" in the first sentence of subsection (d) and inserting in lieu thereof "the insured".

(26) Section 713 is amended by striking out "his" each place it appears and inserting in lieu thereof "the".

(27) Section 716(e) is amended by striking out "his" and inserting in lieu thereof "the insured's".

(28) Section 725 is amended—

(A) by striking out "he" each place it appears and inserting in lieu thereof "such person";

(B) by striking out "him" each place it appears and inserting in lieu thereof "the applicant"; and

(C) by striking out "his" in subsection (d)(3) and inserting in lieu thereof "the Administrator's".

(29) Section 742 is amended—

(A) in subsection (b)—

(i) by striking out "his" and inserting in lieu thereof "the insured's"; and

(ii) by striking out "he" and inserting in lieu thereof "the insured"; and

(B) in subsection (c)—

100 STAT. 3293

(i) by striking out "he" and inserting in lieu thereof "the insured";

(ii) by striking out "his term" and inserting in lieu thereof "the term";

(iii) by striking out "his failure"; and

(iv) by striking out "his control" and inserting in lieu thereof "the insured's control".

(30) Sections 743, 744(b), 745, 746, 747, and 748 are amended by striking out "his" and inserting in lieu thereof "the insured's".

(31) Section 750 is amended by striking out "in his lifetime or by his last will and testament" and inserting in lieu thereof "while alive or by last will".

(32) Section 752 is amended by striking out "his" each place it appears and inserting in lieu thereof "the".

(33) Section 759(a) is amended—

(A) by striking out "his" and inserting in lieu thereof "the applicant's"; and

(B) by striking out "he" and inserting in lieu thereof "the applicant".

(34) Section 760(a) is amended by striking out "his" and inserting in lieu thereof "the guardian's".

(35) Section 765 is amended—

(A) in paragraph (5)(B), by striking out "he" and inserting in lieu thereof "such person"; and

(B) in paragraph (9)—

(i) by striking out "his minority" and inserting in lieu thereof "the child's minority"; and

(ii) by striking out "his adoption" and inserting in lieu thereof "the child's adoption".

(36) Section 766 is amended—

(A) in subsection (c), by striking out "him" and inserting in lieu thereof "the Administrator"; and

(B) in subsection (d), by striking out "he" and inserting in lieu thereof "the Administrator".

(37) Section 767 is amended—

(A) in subsection (b)—

(i) by striking out "him" and inserting in lieu thereof "such member";

(ii) by striking out "he" each place it appears and inserting in lieu thereof "such member"; and

(iii) by striking out "his" and inserting in lieu thereof "such member's"; and

(B) in subsection (c)—

(i) by striking out "his" and inserting in lieu thereof "such member's"; and

(ii) by striking out "he" and inserting in lieu thereof "such member".

(38) Section 768 is amended—

(A) in subsection (a)(2)—

(i) by striking out "his"; and

(ii) by striking out "him" and inserting in lieu thereof "the member";

(B) in subsection (a)(3)—

(i) by striking out "his"; and

(ii) by striking out "him" and inserting in lieu thereof "the member"; and

(C) in subsection (b), by striking out "his" and inserting in lieu thereof "the".

(39) Section 769 is amended—

(A) in subsection (a)(1), by striking out "his" and inserting in lieu thereof "the member's";

(B) in subsection (a)(3), by striking out "him" and inserting in lieu thereof "the member";

(C) in subsection (a)(4)—

(i) by striking out "him" both places it appears and inserting in lieu thereof "the member"; and

(ii) by striking out "his" and inserting in lieu thereof "the member's";

(D) in subsection (b), by striking out "he" and inserting in lieu thereof "the Administrator";

(E) in subsection (d)(3), by striking out "his" and inserting in lieu thereof "the Administrator's"; and

(F) in subsection (e), by striking out "he" and inserting in lieu thereof "the Administrator".

(40) Section 770 is amended— 38 USC 770.

(A) by striking out "his" each place it appears in subsection (a) and inserting in lieu thereof "the insured's"; and

(B) by striking out "his" in subsection (e) and inserting in lieu thereof "the member's".

(41) Section 774 is amended by striking out "his" and inserting in lieu thereof "the Administrator".

(42) Section 776 is amended by striking out "him" and inserting in lieu thereof "the Administrator".

(43) Section 777 is amended—

(A) in subsection (a)—

(i) by striking out "his" both places it appears and inserting in lieu thereof "such person's"; and

(ii) by striking out "he" and inserting in lieu thereof "such person";

(B) in subsection (c)—

(i) by striking out "he" the first place it appears and inserting in lieu thereof "the Administrator"; and

(ii) by striking out "he" the second place it appears and inserting in lieu thereof "such member or former member";

(C) in subsection (d), by striking out "his" and inserting in lieu thereof "such person's";

(D) in subsection (e), by striking out "he" and inserting in lieu thereof "the insured"; and

(E) in subsection (g)—

(i) by striking out "his" and inserting in lieu thereof "the insured's"; and

(ii) by striking out "he" and inserting in lieu thereof "the Administrator".

(44) Section 781(b) is amended—

(A) by striking out "he" and inserting in lieu thereof "such person"; and

(B) by striking out "his" and inserting in lieu thereof "such person's".

(45) Section 783 is amended by striking out "his" and inserting in lieu thereof "such beneficiary's".

(46) Section 784(g) is amended by striking out "his" both places it appears and inserting in lieu thereof "the insured's".

(47) Section 787 is amended by striking out "himself or any other" and inserting in lieu thereof "any".

100 STAT. 3295

38 USC 801.

(48) Section 801(a) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(49) Section 806 is amended—

(A) by striking out "his" in subsection (b) and inserting in lieu thereof "the veteran's";

(B) by striking out "he" in subsection (c) and inserting in lieu thereof "the veteran";

(C) by striking out "his" in subsection (d) and inserting in lieu thereof "the veteran's";

(D) in subsection (g)—

(i) in paragraph (2)—

(I) by striking out "he" each place it appears and inserting in lieu thereof "the Administrator";

(II) by striking out "his" and inserting in lieu thereof "the Administrator's"; and

(III) by striking out "him" each place it appears and inserting in lieu thereof "the Administrator";

(ii) in paragraph (3), by striking out "he" and inserting in lieu thereof "the veteran"; and

(iii) in paragraph (5), by striking out "him" each place it appears and inserting in lieu thereof "the Administrator"; and

(E) in subsection (h)—

(i) by striking out "his" in the first sentence and inserting in lieu thereof "the Administrator's"; and

(ii) by striking out "his" in the second sentence and inserting in lieu thereof "the veteran's".

(50) Section 901(b) is amended by striking out "his" and inserting in lieu thereof "the veteran's".

(51) Section 904 is amended by striking out "his" each place it appears and inserting in lieu thereof "the veteran's".

(52) Section 1000(a) is amended—

(A) by striking out "servicemen" and inserting in lieu thereof "servicemembers"; and

(B) by striking out "To assist" and all that follows through "the Administrator" in the second sentence and inserting in lieu thereof "The Administrator".

(53) Section 1001 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(54) Section 1002 is amended—

(A) by striking out "he" each place it appears and inserting in lieu thereof "such member"; and

(B) by striking out "wife, husband," in paragraph (5).

(55) Section 1004 is amended—

(A) in subsection (d), by striking out "he" each place it appears and inserting in lieu thereof "the veteran";

(B) in subsections (b), (e), and (g), by striking out "he" and inserting in lieu thereof "the Administrator"; and

(C) by striking out "his" each place it appears and inserting in lieu thereof "the Administrator's".

(56) Section 1005 is amended—

(A) by striking out "his" in subsection (a) and inserting in lieu thereof "the Administrator's"; and

(B) by striking out "He" in subsection (c) and inserting in lieu thereof "The Administrator".

(57) Section 1006 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

38 USC 1007.

(58) Section 1007 is amended—

(A) by striking out "he" both places it appears and inserting in lieu thereof "the Administrator"; and

(B) by striking out "He" at the beginning of the second sentence and inserting in lieu thereof "The Administrator".

(59) The third sentence of section 1780(d)(2) is amended by striking out "serviceman" and inserting in lieu thereof "person".

(60) Section 2024(g) is amended by striking out "his" and inserting in lieu thereof "the".

(61) Section 3001(b)(1) is amended by striking out "widow or" each place it appears and inserting in lieu thereof "surviving spouse or".

(62) Section 3006 is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(63) Section 3010(b)(1) is amended by striking out "his" and inserting in lieu thereof "the veteran's".

(64) Section 3012(b)(6) is amended by striking out "his" and inserting in lieu thereof "the payee's".

(65) Section 3020 is amended—

(A) in the third sentence of subsection (a)—

(i) by striking out "his" and inserting in lieu thereof "the payee's";

(ii) by striking out "he" and inserting in lieu thereof "the payee"; and

(iii) by striking out "him" and inserting in lieu thereof "the payee"; and

(B) in the first sentence of subsection (b)—

(i) by striking out "he" and inserting in lieu thereof "such person";

(ii) by striking out "widow" and inserting in lieu thereof "surviving spouse";

(iii) by striking out "she" both places it appears and inserting in lieu thereof "the surviving spouse";

(iv) by striking out "to her" and inserting in lieu thereof "to the surviving spouse"; and

(v) by striking out "by her" and inserting in lieu thereof "by the".

(66) Section 3021(a) is amended—

(A) by striking out "his"; and

(B) by striking out "His" in subparagraphs (A), (B), and (C) of paragraph (2) and inserting in lieu thereof "The veteran's".

(67) Section 3022 is amended by striking out "his" and inserting in lieu thereof "the payee's".

(68) Section 3101 is amended—

(A) by striking out "his or her" in the last sentence of subsection (a) and inserting in lieu thereof "a"; and

(B) by striking out "his" each place it appears in subsection (b) and inserting in lieu thereof "the beneficiary's".

(69) Section 3102 is amended—

(A) by striking out "his" in subsection (b) and inserting in lieu thereof "the veteran's"; and

(B) by striking out "his" both places it appears in subsection (c) and inserting in lieu thereof "the Administrator's".

(70) Section 3103 is amended—

(A) in subsection (a)—

(i) by striking out "he" and inserting in lieu thereof "such person"; and

(ii) by striking out "his" and inserting in lieu thereof "such officer's";

(B) in subsection (b)—

(i) by striking out "his" and inserting in lieu thereof "a person's";

(ii) by striking out "any person" and inserting in lieu thereof "that person"; and

(iii) by striking out "he" and inserting in lieu thereof "such person";

(C) in subsection (c)—

(i) by striking out "his" both places it appears and inserting in lieu thereof "the individual's"; and

(ii) by striking out "he" and inserting in lieu thereof "the individual"; and

(D) in the second sentence of subsection (e)(2), by striking out "his or her" and inserting in lieu thereof "the".

38 USC 3104.

(71) Section 3104 is amended—

(A) in subsection (a)(1), by striking out "his" and inserting in lieu thereof "such person's";

(B) in subsection (b)—

(i) by striking out "widow" in paragraph (1) and inserting in lieu thereof "surviving spouse";

(ii) by striking out "his" in paragraph (1) and inserting in lieu thereof "such person's"; and

(iii) by striking out "he or she" in paragraph (3) and inserting in lieu thereof "such person"; and

(C) in subsection (c)—

(i) by striking out "his" and inserting in lieu thereof "any person's";

(ii) by striking out "to any person" and inserting in lieu thereof "to such person"; and

(iii) by striking out "he" and inserting in lieu thereof "such person".

(72) Section 3105 is amended—

(A) by striking out "he" and inserting in lieu thereof "such person"; and

(B) by striking out "his" and inserting in lieu thereof "such person's".

(73) Section 3106 is amended by striking out "his" and inserting in lieu thereof "the".

(74) Section 3108(c) is amended—

(A) by striking out "his" and inserting in lieu thereof "the Administrator's"; and

(B) by striking out "he" and inserting in lieu thereof "the dependent".

(75) Section 3109 is amended—

(A) by striking out "his" each place it appears in subsection (a) and inserting in lieu thereof "such person's"; and

(B) by striking out "he" in subsection (b) and inserting in lieu thereof "such person".

(76) Section 3202 is amended—

(A) in subsection (a), by striking out "he" and inserting in lieu thereof "the Administrator";

(B) in subsection (b)—

(i) by striking out "his trust" in the first sentence and inserting in lieu thereof "the trust of such guardian, curator, conservator, or other person";

(ii) by striking out "his duly" in the first sentence and inserting in lieu thereof "the Administrator's";

(iii) by striking out "his" in the second and third sentences and inserting in lieu thereof "the Administrator's"; and

(iv) by striking out "himself" in the third sentence and inserting in lieu thereof "the Administrator";

(C) in subsection (d)—

(i) by striking out "his" in the second sentence and inserting in lieu thereof "the veteran's";

(ii) by striking out "his" in the third sentence and inserting in lieu thereof "the beneficiary's"; and

(iii) in the fourth sentence—

(I) by striking out "him" and inserting in lieu thereof "the beneficiary";

(II) by striking out "he" and inserting in lieu thereof "the beneficiary"; and

(III) by striking out "his" each place it appears and inserting in lieu thereof "the beneficiary's"; and

(D) in subsection (e), by striking out "his".

(77) Section 3203(e) is amended by striking out "his" and inserting in lieu thereof "the veteran's". 38 USC 3203.

(78) Section 3303 is amended by striking out "his" and inserting in lieu thereof "the veteran's".

(79) Section 3401 is amended by striking out "he" and inserting in lieu thereof "such individual".

(80) Section 3404(b) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(81) Section 3405 is amended by striking out "him" and inserting in lieu thereof "to the claimant or beneficiary".

(82) Section 3501 is amended—

(A) by striking out "his" the first place it appears and inserting in lieu thereof "a claimant's"; and

(B) by striking out "his" the second, third, and fourth places it appears and inserting in lieu thereof "such fiduciary's".

(83) Section 3503 is amended—

(A) by striking out "his" in subsection (c) and inserting in lieu thereof "the veteran's"; and

(B) by striking out "he" each place it appears in subsection (d)(2) and inserting in lieu thereof "the Administrator".

(84) Section 3504(b) is amended—

(A) by striking out "his" and inserting in lieu thereof "the Administrator's"; and

(B) by striking out "he" and inserting in lieu thereof "the dependent".

(85) Section 4005 is amended—

(A) by striking out "his" each place it appears and inserting in lieu thereof "the claimant's"; and

(B) by striking out "him" and inserting in lieu thereof "the claimant or legal guardian".

100 STAT. 3299

(86) Section 4106(b) is amended—

(A) by striking out "him" and inserting in lieu thereof "such person"; and

(B) by striking out "he" and inserting in lieu thereof "such person".

38 USC 4107.

(87) Section 4107(e)(5) is amended by striking out "her" and inserting in lieu thereof "the nurse's".

(88) Section 4110 is amended—

(A) by striking out "of his own choosing" in subsection (c) and inserting in lieu thereof "chosen by such person";

(B) in subsection (d)—

(i) by striking out "He" and inserting in lieu thereof "The Administrator"; and

(ii) by striking out "he" and inserting in lieu thereof "the Administrator"; and

(C) in subsection (e)—

(i) by striking out "he" and inserting in lieu thereof "the Administrator"; and

(ii) by striking out "him" and inserting in lieu thereof "the Administrator".

(89) Section 5101 is amended by striking out "his" each place it appears and inserting in lieu thereof "the".

(90) Section 5102 is amended—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Administrator";

(B) by striking out "his" and inserting in lieu thereof "the Administrator's"; and

(C) by striking out "He" and inserting in lieu thereof "The Administrator".

(91) Section 5103 is amended by striking out "his" each place it appears and inserting in lieu thereof "the".

(92) Section 5104 is amended—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Administrator"; and

(B) by striking out "his" each place it appears and inserting in lieu thereof "the Administrator's".

(93) Section 5201(a)(1) is amended by striking out "his" and inserting in lieu thereof "such person's".

(94) Section 5202 is amended—

(A) in the first sentence of subsection (b)—

(i) by striking out "his last" each place it appears and inserting in lieu thereof "such person's last";

(ii) by inserting "has personal property situated on such facility and" before "shall have designated";

(iii) by striking out "to whom he desires his personal property situated upon such facility to be delivered, upon the death of such veteran" and inserting in lieu thereof "to receive such property when such veteran, dependent or survivor dies,"; and

(iv) by striking out "him" and inserting in lieu thereof "the Administrator";

(B) in the second sentence of subsection (b)—

(i) by striking out "by the veteran" and inserting in lieu thereof "by such veteran, dependent, or survivor".

(ii) by striking out "if he has";

(iii) by striking out "his" and inserting in lieu thereof "the Administrator's";

100 STAT. 3300

(iv) by striking out "as provided in this subchapter," and inserting in lieu thereof "in writing delivered to the Veterans' Administration"; and

(v) by striking out "child, grandchild, mother, father, grandmother, grandfather, brother or sister" and inserting in lieu thereof "children, grandchildren, parents, grandparents, siblings";

(C) by striking out the third sentence of subsection (b);

(D) in the fourth sentence of subsection (b)—

(i) by striking out "his designee may in such case select the one to receive such possession," and inserting in lieu thereof "the Administrator's designee may in such case deliver the property either jointly or separately in equal values, to those equally entitled thereto"; and

(ii) by striking out "in his discretion" and inserting in lieu thereof "in the discretion of the Administrator or the Administrator's designee"; and

(E) in subsection (c), by striking out "his" and inserting in lieu thereof "the Administrator's".

(95) Section 5203 is amended by striking out "his" and inserting in lieu thereof "such person's". 38 USC 5203.

(96) Section 5204 is amended by striking out "his" each place it appears and inserting in lieu thereof "such person's".

(97) Section 5206 is amended by striking out "his" and inserting in lieu thereof "the owner's".

(98) Section 5207 is amended—

(A) by striking out "his" and inserting in lieu thereof "the Administrator's"; and

(B) by striking out "by him promulgated" and inserting in lieu thereof "prescribed by the Administrator".

(99) Section 5220 is amended—

(A) in subsection (a)—

(i) by striking out "surviving him any" and inserting in lieu thereof "any surviving";

(ii) by striking out "his" each place it appears and inserting in lieu thereof "the decedent's";

(iii) by striking out "he" and inserting in lieu thereof "such person"; and

(iv) by striking out "owned by him" and inserting in lieu thereof "owned by such person"; and

(B) in subsection (b), by striking out "his" and inserting in lieu thereof "such person's".

(100) Section 5221 is amended by striking out "he" and inserting in lieu thereof "such person".

(101) Section 5222 is amended—

(A) by striking out "he" and inserting in lieu thereof "the Administrator"; and

(B) by striking out "his" and inserting in lieu thereof "the Administrator's".

(102) Section 5223 is amended by striking out "his" each place it appears and inserting in lieu thereof "the decedent's".

(103) Section 5224 is amended—

(A) by striking out "his" each place it appears and inserting in lieu thereof "the Administrator's"; and

(B) by striking out "him" and inserting in lieu thereof "the Administrator".

(104) Section 5225 is amended by striking out "his" and inserting in lieu thereof "the Administrator's". 38 USC 5225.

(105) Section 5226 is amended—

(A) by striking out "himself" and inserting in lieu thereof "such person";

(B) by striking out "his" in the second sentence and inserting in lieu thereof "the veteran's";

(C) by striking out "he" and inserting in lieu thereof "the Administrator"; and

(D) by striking out "his authorized" each place it appears, and inserting in lieu thereof "the Administrator's authorized".

SEC. 702. GENERAL TECHNICAL AMENDMENTS.

Title 38 is amended as follows:

(1) Section 101 is amended—

(A) by inserting "Army" before "National Guard" in paragraphs (22)(C), (23), and (27)(F); and

(B) by striking out "and the" in paragraph (31) and all that follows through "widower".

(2) Section 233(a) is amended by striking out "subparagraph (4)" and inserting in lieu thereof "paragraph (4) of this subsection".

(3) Section 235 is amended—

(A) by inserting "(a)" before "The Administrator";

(B) by indenting paragraphs (1) through (7) two ems;

(C) by inserting "Service" in paragraph (5) after "Foreign";

(D) by striking out "The foregoing authority" and inserting in lieu thereof "(b) The authority in subsection (a) of this section"; and

(E) by striking out "titles 5 and 22" and inserting in lieu thereof "title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

(4) Section 241 is amended—

(A) by inserting "The Administrator shall" after "(1)";

(B) by striking out "eligible and, in carrying" and inserting in lieu thereof "eligible. In carrying";

(C) by striking out "release;" and inserting in lieu thereof "release.";

(D) by inserting "The Administrator shall" after "(2)";

(E) by striking out "veterans; and" and inserting in lieu thereof "veterans.";

(F) by inserting "The Administrator shall" after "(3)"; and

(G) by striking out "clauses (1) and (2) above" and inserting in lieu thereof "paragraphs (1) and (2) of this section".

(5) Section 612(j) is amended—

(A) by striking out "pursuant to" and inserting in lieu thereof "under";

(B) by striking out "(voluntarily requesting" and inserting in lieu thereof "who voluntarily request";

(C) by striking out the parenthesis after "immunizations";

(D) by striking out "facility, utilizing" and inserting in lieu thereof "facility. Any such immunization shall be made using";

100 STAT. 3302

(E) by striking out "Administration," and all that follows through "to provide" and inserting in lieu thereof "Administration. For such purpose, notwithstanding any other provision of law, the Secretary may provide"; and

(F) by striking out "cost and the provisions of section" and inserting in lieu thereof "cost. Section".

38 USC 612A.

(6) Section 612A(h)(3)(A)(i) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 3, 1985,".

(7) Section 801(a) is amended—

(A) by striking out the comma after "veteran" the first place it appears; and

(B) by striking out "title, based on service after "April 20, 1898," and inserting in lieu thereof "title".

(8) Section 1411(a) is amended by inserting a comma after "of this section" in the matter preceding clause (1).

(9) Section 1841 is amended—

(A) by striking out "per centum" in paragraph (1) and inserting in lieu thereof "percent"; and

(B) by striking out "one hundred and eighty days" in paragraph (2) and inserting in lieu thereof "180 days".

(10) Section 1842 is amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(11) Section 1849 is amended by striking out "Effective for fiscal year 1982 and fiscal years thereafter, there" and inserting in lieu thereof "There".

(12) The item relating to section 4106 in the table of sections at the beginning of chapter 73 is amended to read as follows:

"4106. Period of appointments; promotions.".

(13) Section 4202(11) is amended by striking out "and without regard" and all that follows through "(7 U.S.C. 2240),".

(14) Section 4204 is amended by striking out ", amounts heretofore appropriated to carry out Public Law 636, Seventy-ninth Congress,". 60 Stat. 887.

(15) Section 5010(a)(1) is amended—

(A) by striking out "one hundred and twenty-five thousand and not less than one hundred thousand" and inserting in lieu thereof "125,000 and not less than 100,000"; and

(B) by striking out "ninety thousand" both places it appears and inserting in lieu thereof "90,000"

(16) Section 5073(a)(2) is amended—

(A) by striking out "twelve-month" each place it appears and inserting in lieu thereof "12-month"; and

(B) by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(17) Each subchapter heading is amended so as to be printed in all capital letters and in light-face type.

(18) The table of parts at the beginning of title 38 is amended by striking out "1501" in the item relating to part III and inserting in lieu thereof "1401".

SEC. 703. TECHNICAL AMENDMENTS TO PROVISIONS ENACTED BY VETERANS' BENEFITS IMPROVEMENT ACT OF 1984.

(a) AMENDMENTS TO PUBLIC LAW 98–543.—(1) Section 105 of the 38 USC 413.
Veterans' Benefits Improvement Act of 1984 (Public Law 543) is 100 STAT. 3303
amended by striking out "413" and inserting in lieu thereof "413(a)".

(2) Section 111(c)(1)(B) of such Act is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)(1)(B)" 38 USC 363 note.

(b) AMENDMENTS TO TITLE 38.—(1) Section 524 of title 38, United States Code, is amended—

(A) by striking out "subsection (d)" in subsection (a)(2) and inserting in lieu thereof "subsection (b)";

(B) by striking out "subsection (a)(1)" in subsection (b)(4) and inserting in lieu thereof "subsection (a)"; and

(C) in subsection (c)—

(i) by striking out "Notwithstanding subsection (c) of section 525 of this title, a veteran" and inserting in lieu thereof "A veteran";

(ii) by striking out "subsection (b)" the second place it appears and inserting in lieu thereof "subsection (b)(1)"; and

(iii) by striking out the period and inserting in lieu thereof "without regard to the date on which the veteran's entitlement to pension is terminated.".

(2) Section 525(a) of such title is amended by striking out "under section 521 of this title".

(3) The item relating to section 524 in the table of sections at the beginning of chapter 15 of such title is amended by inserting "program of" after "Temporary".

38 USC 413 note. **(c) Effective Date.—The amendments made by this section shall take effect as if included in the Veterans' Benefits Improvement Act of 1984 (Public Law 98-543).** 38 USC 101 note.

Approved October 28, 1986.

LEGISLATIVE HISTORY—H.R. 5299 (S. 2422):

HOUSE REPORTS: No. 99-730 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 99-444 accompanying S. 2422 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):
  Aug. 4, considered and passed House.
  Sept. 30, considered and passed Senate, amended, in lieu of S. 2422.
  Oct. 7, House concurred in Senate amendments with amendments.
  Oct. 8, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):
  Oct. 28, Presidential remarks.

RECAPITULATION OF MISCELLANEOUS PRIVATE ACTS, 99TH CONGRESS, 2D SESSION

Number of Private Law	Payee	Amount
	FISCAL YEAR 1986	
99-13	Joe Herring	Indefinite
99-15	Gerald M. Hendley	Indefinite
	Total, fiscal year 1986	Indefinite
	FISCAL YEAR 1987	
99-18	Steven M. McKenna	Indefinite
99-22	Audrey O. Lewis	$70,250
	Emerson B. Vereen	18,275
	Total, fiscal year 1987	88,525
	Total, 2d session, 99th Congress	88,525

II. PERMANENT APPROPRIATIONS—FEDERAL FUNDS

(For permanent trust funds, see table III)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1987. These are funds that do not require current annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are for *indefinite* appropriations unless indicated to be definite. The amounts shown for indefinite appropriations are estimated and are thus subject to revision as better data becomes available during the fiscal year.

LEGISLATIVE

SENATE

Compensation of Members:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of the Vice President and Senators as well as for the payment of agency contributions for life and health insurance and retirement benefits. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of the Vice President and Senators and the related agency contributions were paid from appropriations made annually in the regular Legislative Branch Appropriations Act.............. $8,976,000

HOUSE OF REPRESENTATIVES

Compensation of Members and related administrative expenses:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of Members of Congress and for administrative expenses related thereto as authorized by law and at such level recommended by the President for Federal employees. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of Members of Congress were paid from appropriations made annually in the regular Legislative Branch Appropriations Act.............. 37,633,000

Congressional use of foreign currency:

The International Security Assistance Act of 1978, Public Law 95-384 (92 Stat. 742), effective September 26, 1978, provided that local currencies owned by the United States be made available to Members and employees of Congress while traveling in a foreign country. Whenever local currencies are not available, the Secretary of the Treasury is authorized to purchase such local currencies as may be necessary. In addition, this act authorized the permanent and indefinite appropriation, "Congressional use of foreign currency." Prior to this act, authority was contained in section 502(b) of the Mutual Security Act of 1954 *(2 U.S.C. 1954(b))*.............. 3,360,000

LIBRARY OF CONGRESS

Payments to copyright owners:

Receipts from cable television stations and juke-box licenses are disbursed to the copyright owners through this appropriation after deduction of administrative expenses of the Copyright Royalty Tribunal. Disbursements are made in accordance with the schedule established in Public Law 94-553.............. 110,000,000

Oliver Wendell Holmes Devise Fund:

This fund created by the act entitled "An act to establish a Permanent Committee for the Oliver Wendell Holmes Devise," approved August 5, 1955, is to be used for the preparation of a history of the Supreme Court, finance lectures, and prepare a memorial volume containing the writings of Oliver Wendell Holmes *(69 Stat. 533)*.............. 6,000

Total, Legislative.............. $159,975,000

EXECUTIVE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL SECURITY ASSISTANCE

FMS Guarantees, FFB direct loans: The Federal Financing Board made direct loans to foreign countries and international organizations to finance credit sales of defense articles, defense services, and design and construction services *(12 U.S.C. 2281-96)*		$473,315,000
Total, Funds Appropriated to the President	*$473,315,000*	

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Price support and related programs: Reimbursement for net realized losses: To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 *(15 U.S.C. 713a-11, 713a-12)*	*(15,536,817,000)*
National Wool Act: The National Wool Act of 1954 (title VII of Public Law 690, approved August 28, 1954) as amended by the Agricultural Act of 1970 and the Food and Agriculture Act of 1977 declares wool to be an essential and strategic commodity, and as a measure of national security encourages the annual domestic production of approximately 300 million pounds of shorn wool. In order to encourage the required annual production of wool and mohair, the Secretary is authorized to make sufficient incentive payments which, when added to the national average price received by producers, will give them a national average return for the commodity equal to the support (incentive) price level thereof. Payments may not at any time exceed 70 percent of the accumulated totals of the gross receipts from specific duties collected on and after January 1, 1953, on wool and wool manufacturers under schedule 11 of the Tariff Act of 1930, as amended (Public Law 690 approved August 28, 1954, *as amended*)	118,635,000

RURAL ELECTRIFICATION ADMINISTRATION

Rural Electrification Administration, FFB direct loans: Reflects loans that are guaranteed by REA and disbursed by the Federal Financing Bank. These loans are attributed to the originating agency consistent with the Balanced Budget and Emergency Deficit Control Act of 1985 *(12 U.S.C. 2281-96)*	1,815,000,000
Rural Electrification Administration, FFB loan asset purchases: Reflects the certificates of beneficial ownership (CBO's) that are purchased by the Federal Financing Bank in order to finance REA's direct lending program. These loan asset financing transactions are attributed to the originating agency consistent with the Balanced Budget and Emergency Deficit Control Act of 1985 *(12 U.S.C. 2281-96)*	75,900,000
Rural Telephone Bank: Provides a supplemental source of financing for the REA telephone loan program. The bank charges an interest rate based on the average cost of money to the bank, but not less than 5 percent per annum *(7 U.S.C. 901-950(b))*	56,357,000

FARMERS HOME ADMINISTRATION

Agricultural Credit Insurance Fund: Authority extended from fiscal year 1986 through 1988 by the farm bill, Public Law 99-198, signed December 23, 1985. This legislation also provided levels of funding for emergency loans. The loan levels reflected here are consistent with those established by the farm bill *(7 U.S.C. 1929(c))*	349,040,000
Agricultural Credit Insurance Fund, FFB loan asset purchases: Reflects the certificates of beneficial ownership (CBO's) that are purchased and sold by the Federal Financing Bank in order to finance ACIF's direct lending program. These loan asset financing transactions are attributed to the originating agency consistent with the Balanced Budget and Emergency Deficit Control Act of 1985 *(12 U.S.C. 2281-96)*	165,705,000

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[1] Excluded from totals for this table. Included in H.R. 5177, Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987, as "current, indefinite" appropriations.

AGRICULTURAL MARKETING SERVICE

Perishable Agricultural Commodities Act Fund: License fees are deposited in this special fund and are used to meet costs of administering the Perishable Agricultural Commodities, and the Produce Agency Acts (7 U.S.C. 491–497, 499a–499s). The current annual license fee is set at $180 plus $72 for each additional business facility operated by the applicant in excess of nine facilities, up to a maximum of $1,200	$3,356,000
Funds for strengthening markets, income, and supply: Under section 32 of the act of August 24, 1935, as amended (7 U.S.C. 612c), 30 percent of customs receipts collected during each calendar year are automatically appropriated for expanding outlets for nonbasic commodities. An amount equal to 30 percent of receipts collected on fishery products is transferred to the Department of Commerce to encourage the distribution of such products. Most of the funds are transferred to the Food and Nutrition Service and are dedicated to commodity distribution activities under section 6 of the national school lunch and other authorities specified in the child nutrition appropriations	420,077,000

FOOD AND NUTRITION SERVICE

Child nutrition programs: Authorized by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended. Primary objective of programs is to make the best possible nutrition available to every child and the elderly, regardless of economics of the child's family or the local district. *(42 U.S.C. 1751–1761, and 1766; 1773–1785, and 1787)*	3,227,923,000

FOREST SERVICE

Operation and maintenance of quarters: Quarterly rental deductions are collected from employees occupying Forest Service facilities. Amounts are deposited into a special fund and are available for the maintenance and operation of employee occupied quarters	5,400,000
Timber salvage sales: Appropriations of funds to begin salvage of insect infested, dead, damaged, or down timber, and to remove associated trees for stand improvement in accordance with Public Law 95–26 *(16 U.S.C. 472a(h))*	20,713,000
Tongass Timber Supply Fund: To maintain the timber supply from the Tongass National Forest at a specified level. Public Law 96–487 *(16 U.S.C. 539d)*	45,815,000
Brush disposal: Amounts received from purchasers of national forest timber to cover the estimated cost to the United States of disposing of the brush and other debris resulting from cutting operations are covered into the Treasury as a special fund, for expenses of this work. Amounts paid in excess of the cost are refunded to the purchaser or transferred to miscellaneous receipts *(16 U.S.C. 490)*	47,835,000
Payments to States from the National Forest Fund: The act of June 9, 1930, appropriates 25 percent of the net revenue during any fiscal year from each national forest, to be paid at the end of such year, to the State in which the forest is situated, for the benefit of the public schools and public roads of such county or counties *(16 U.S.C. 500)*	298,036,000
Licensee programs: Fees for the use of the character "Smokey Bear" and "Woodsey Owl" by private enterprises are collected under regulations promulgated by the Secretary, and are available for furthering the nationwide forest-fire prevention and environmental quality programs *(18 U.S.C. 711; 31 U.S.C. 488b–3–6)*	100,000
Restoration of forest lands and improvements: Funds received from settlement of claims involving damage to lands or improvements and from forfeiture of deposits and bonds by permittees and timber purchasers are used for the restoration made necessary by the action which led to the settlement or forfeiture *(16 U.S.C. 579c)*	100,000
Timber purchaser roads constructed by Forest Service: Expenditure of timber receipts for Government constructed permanent roads for purchasers of timber who qualify as small businesses and elect to have the Forest Service construct the roads designated under the timber sale contract where costs exceed $20,000 *(section 14(i)(2), Public Law 94–588)*	15,434,000
Payment to Minnesota (Cook, Lake, and St. Louis Counties) from the National Forest Fund: Under the act of June 22, 1948, the Secretary of the Treasury, upon certification of the Secretary of Agriculture, pays to the State of Minnesota at the close of each fiscal year an amount equivalent to three-fourths of 1 percent of the apraised value of certain Superior National Forest lands in the counties of Cook, Lake, and St. Louis for distribution to these counties *(16 U.S.C. 577g)*	716,000

Payments to counties, national grasslands:

This account consists of amounts appropriated, from revenues received during each calendar year from the use of submarginal lands held by the Secretary of Agriculture under title III of the act of July 22, 1937, for such lands are situated, on the condition that they are used for school or road purposes, or both, and for refund of excess amounts received for the use of such lands Moneys so appropriated remain available for these purposes until expended *(7 U.S.C. 1012)*........ $10,954,000

Total, Department of Agriculture........ *$6,722,096,000*

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Operations, research, and facilities:

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities........ 46,000,000

Total, Department of Commerce........ *$46,000,000*

DEPARTMENT OF DEFENSE—MILITARY

FAMILY HOUSING

Homeowners Assistance Fund:

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, *as amended*)........ 2,000,000

REVOLVING AND MANAGEMENT FUNDS

Defense production guarantees, FFB direct loans:

Guarantees have been given on loans made by public and private financing institutions to facilitate performance of defense production contracts. When necessary loans may be purchased by the Government *(12 U.S.C. 2281-96)*........ 6,000,000

Total, Department of Defense—Military........ *$8,000,000*

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

CORPS OF ENGINEERS—CIVIL

Payments to States:

Seventy-five percent of moneys received on account of leases of lands acquired in connection with flood-control projects is appropriated at the end of each fiscal year for payment to the State in which the property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the property is situated *(33 U.S.C. 701c-3)*........ 6,000,000

Hydraulic mining in California, Debris Fund:

Fees paid by mine operators in the Sacramento and San Joaquin Basins for depositing mine debris in restraining works are used for their maintenance *(33 U.S.C. 683)*........ 48,000

Maintenance and operation of dams and other improvements of navigable waters:

Indefinite appropriation of 50 percent of receipts from certain licenses under the Federal Power Act to be received and appropriated as a special fund in the Treasury for expenditure under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or for other improvements of navigable waters *(31 U.S.C. 725c)*........ 2,952,000

MILITARY RETIREMENT

Payment to Military Retirement Fund:

The 1987 payment to the Military Retirement Fund includes funds for the amortization of the unfunded liability for all retirement benefits earned by military personnel for service prior to 1985. The amortization schedule for the unfunded liability will be determined by a Board of Actuaries........ 11,200,000,000

FOREST AND WILDLIFE CONSERVATION, MILITARY RESERVATIONS

Forest Products Program reserve account: These appropriations provide for emergencies or unplanned expenses in managing and improving forests on DOD lands		$315,000
Wildlife conservation, Army: Proceeds from the sale of fish and game permits on Army installations are used to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation, and rehabilitation on military reservations		1,400,000
Wildlife conservation, Navy: Proceeds from the sale of fish and game permits on naval installations are used to carry out a program of fish and wildlife conservation, management, and rehabilitation in cooperation with appropriate State agencies and the Fish and Wildlife Service, Department of the Interior *(74 Stat. 1052)*		240,000
Wildlife conservation, Air Force: Proceeds from the sale of game permits are used to carry out a program of fish and game conservation and rehabilitation in connection with the Fish and Wildlife Service *(63 Stat. 759)*		400,000
Total, Department of Defense—Civil functions	*$11,211,355,000*	

DEPARTMENT OF EDUCATION

OFFICE OF VOCATIONAL AND ADULT EDUCATION

Vocational and adult education: This program provides funds for expansion and improvement of vocational education programs and for providing for greater access to underserved populations		7,148,000
Total, Department of Education	*$7,148,000*	

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Payments to States under Federal Power Act: The States are paid 37.5 percent of the receipts from licenses for occupancy and use of national forests and public lands within their boundaries issued by the Federal Energy Regulatory Commission *(16 U.S.C. 810)*		570,000

POWER MARKETING ADMINISTRATION

Bonneville Power Administration Fund: The Bonneville Power Administration constructs, operates, and maintains transmission and related facilities and markets electric power produced at 30 Federal hydroelectric generating plants and obtained by purchase and exchange from two thermal plants		276,100,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration: For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95–91), and other related activities including conservation and renewable resources programs as authorized		3,463,000
Total, Department of Energy	*$280,133,000*	

GENERAL SERVICES ADMINISTRATION

PERSONAL PROPERTY ACTIVITIES

Expenses of transportation audit contracts and contract administration: Public Law 99–88 provides that these activities shall be financed from overcharges collected from carriers on transportation bills paid by the Government and other similar type refunds		5,200,000

FEDERAL PROPERTY RESOURCES ACTIVITIES

Expenses, disposal of surplus real and related personal property: Fees and costs of advertising and surveying are paid out of the receipts from the disposal of surplus real and related property, subject to a limitation of 12 percent of the proceeds of all dispositions with each fiscal year *(40 U.S.C. 485(b))*		3,668,000
Total, General Services Administration	*$3,668,000*	

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

Indian Health Service: Provides medical care, public health services, and health profession scholarship for American Indians and Alaska Natives	$3,000,000

HEALTH CARE FINANCING ADMINISTRATION

Grants to States for Medicaid: Medicaid assists States in providing medical care to their low-income population by granting Federal matching payments under title XIX of the Social Security Act to States with approved plans. The 1986 appropriation request incorporates proposals to limit Medicaid excessive growth, and enhance States program flexibility	6,500,000,000
Payments to health care trust funds: Payments are made (1) to the Supplementary Medical Insurance Trust Fund; (2) to the Federal Hospital Insurance Trust Fund as reimbursement for benefits based on noncontributory military service credits of veterans of World War II and certain veterans of the post-World War II period; (3) for individuals aged 65 and over who meet certain transitional insured status requirements; and (4) for civil service employees and annuitants who had worked before 1983 and who were employed during January 1983	422,000,000

SOCIAL SECURITY ADMINISTRATION

Payments to Social Security trust funds: This Federal fund appropriation finances certain benefits and related administrative costs not financed by Social Security taxes	5,862,000,000
Special benefits for disabled coal miners: Title IV of the Federal Mine Safety and Health Act authorizes monthly benefits to coal miners disabled from pneumoconiosis, and to surviving widows and dependents. After 1973, jurisdiction for new claims shifted to the Department of Labor	270,000,000
Supplemental security income program: Title XVI of the Social Security Act established the Federal Supplemental Security Income (SSI) program for the aged, blind, and disabled. In 1985, the supplemental security income program provided a minimum income of $325 per month for an eligible individual and $488 per month for an eligible couple	2,339,250,000
Assistance payments program: This appropriation makes grants to States for the Federal share of State expenditures for aid to families with dependent children (AFDC) and related activities	2,193,754,000
Child support enforcement: The Child Support Enforcement program assists States in assuring that absent parents meet their responsibility in providing support for their children. This goal is accomplished through locating absent parents, proving paternity, establishing child support obligations, and enforcing their collection	170,750,000
Payments to States from receipts for child support: This fund makes payments to States for their share of amounts collected on their behalf by the Internal Revenue Service under the provisions of the Child Support Enforcement Program, title IV-D of the Social Security Act	450,000
Total, Department of Health and Human Services *$17,761,204,000*	

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Manufactured home inspection and monitoring: A program to establish and enforce appropriate construction standards for the construction, design, and performance of manufactured homes to assure their quality, durability, and safety	6,032,000
Interstate land sales: The Interstate Land Sales Full Disclosure Act provides protection to the public with respect to purchases or leases of subdivision lots. Statements of record must be filed with the Secretary before subdivisions with 100 or more lots may be sold in interstate commerce, except when the subdivision is eligible for exemption	1,400,000

Federal Housing Administration Fund:

The Federal Housing Administration Fund, created by the National Housing Act of 1934, is a noncorporate business-type agency, which was brought under the Government Corporation Control Act by the Housing Act of 1948. FHA program objectives are achieved through the insurance of loans for financing the production, purchase, repair, and improvement of residential properties and these programs are under four separate insurance funds established by statute. Income from fees, premiums, and investments are credited to the funds and operating expenses including expenses and losses connected with foreclosed property and defaulted notes and mortgages are charged to the funds *(12 U.S.C. 1701)* $51,946,000

PUBLIC AND INDIAN HOUSING PROGRAMS

Low-rent public housing—loans and other expenses:

The Low-Rent Public Housing Loan Fund provides direct Federal loans to support Public Housing Agency (PHA) and Indian Housing Authority (IHA) construction, acquisition, and modernization activities. These loans are made from available resources of this fund 1,365,800,000

COMMUNITY PLANNING AND DEVELOPMENT

Community development grants, FFB direct loans:

Provides guarantee of loans disbursed by the FFB under section 108 of the Housing and Community Development Act of 1974, as amended. Permits eligible communities to finance acquisition of real property and rehabilitation of publicly owned real property, plus certain related expenses *(12 U.S.C. 2281-96)* 155,000,000

Total, Department of Housing and Urban Development *$1,580,178,000*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Special acquisition of lands and minerals:

For the purchase of non-Federal coal deposits and other mineral interests and rights pursuant to Public Law 97-476 1,300,000

Operation and maintenance of quarters:

Provides for the maintenance of quarters used by Bureau employees in areas where other housing alternatives are unavailable. Expenses are offset by collections in the form of rental payments. Established in 1986 under provisions of the 1985 Interior Appropriations Act 250,000

Payments to Coos and Douglas Counties, OR, from receipts, Coos Bay Wagon Road grant lands:

Out of receipts from the Coos Bay Wagon Road grant lands in Oregon, payments in lieu of taxes are made to Coos and Douglas Counties for schools, roads, highways, bridges, and port districts *(53 Stat. 753-754)* 580,000

Payments to counties, Oregon and California grant lands:

Fifty percent of the receipts of Oregon and California land-grant funds are paid to the counties in which the lands are situated, to be used as other county funds *(39 Stat. 218; 50 Stat. 876)* 40,100,000

Payments to States from sales of lands:

Payments to the several States of 5 percent of the net proceeds of sales of public lands and materials lying within their limits, for the purpose of education or of making public roads and improvements *(31 U.S.C. 711)* 936,000

Payments to States from grazing receipts, et cetera, public lands outside grazing districts:

Payments are made to the States of 50 percent of the money received as grazing fees from outside grazing district *(43 U.S.C. 315i, 315m)* 1,024,000

Payments to States from grazing receipts, et cetera, public lands within grazing districts:

Payments are made to the States of 12½ percent of moneys received as grazing fees from within grazing districts *(43 U.S.C. 315b; 315i)* 1,550,000

Payments to States from grazing receipts, et cetera, public lands within grazing districts, miscellaneous:

The States are paid specifically determined amounts from grazing fee receipts from miscellaneous lands within grazing districts when payment is not feasible on a percentage basis *(43 U.S.C. 315)* 8,000

Payments to counties, national grasslands:

Of the revenues received from the use of submarginal lands, 25 percent is paid to the counties in which such land is situated for school and road purposes. These lands were formerly administered by the Department of Agriculture but were transferred to the Bureau of Land Management for administration in connection with the Grazing Program *(7 U.S.C. 1012)* 625,000

Expenses, road maintenance deposits: Public Law 94-579 approved October 21, 1976, permanently appropriated certain moneys to the Secretary of the Interior. Users of roads under jurisdiction of the Bureau of Land Management may make deposits for maintenance purposes, and moneys collected are available for necessary road maintenance. Moneys collected on Oregon and California grant lands are available for those lands only *(43 U.S.C. 1701 et seq.)*	$5,600,000
Payments to Nevada from receipts on land sales: Public Law 96-586 authorizes and directs the Secretary to sell not more than 700 acres of public lands per calendar year in and around Las Vegas, NV; proceeds of which are to be used to acquire environmentally sensitive lands in the Lake Tahoe Basin of California and Nevada. Annual revenues are distributed to the State of Nevada (5 percent) and the county in which the land is located (10 percent)	750,000

MINERALS MANAGEMENT SERVICE

Payments to States from receipts under Mineral Leasing Act: Alaska is paid 90 percent and other States 50 percent of the receipts from bonuses, royalties, and rentals resulting from development of mineral resources under the Mineral Leasing Act (30 U.S.C. 191), and from leases of potash deposits (30 U.S.C. 285), on both public domain and acquired lands	550,686,000

BUREAU OF RECLAMATION

Colorado River Dam Fund, Boulder Canyon project: Revenue from Boulder Canyon project operations is placed in this fund. Due to a recent change in law (Public Law 98-381), the fund is available without further appropriation for payment of expenses of operation and maintenance of the project, for payment of interest on amounts advanced from the Treasury, and for annual payments of not more than $300 thousand each to Arizona and Nevada and for repayment of advances from the Treasury for construction or other purposes *(43 U.S.C. 617a)*	52,913,000
Operation, maintenance, and replacement of project works, North Platte project (Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts): This fund is derived from the revenues arising from leasing or project grazing and farm lands, sale or rental of surplus water, and other miscellaneous revenues which otherwise would accrue to the Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts under subsections I to J of section 4 of the act of December 5, 1924 *(43 Stat. 703)*, and such revenues may be expended, as set forth in contracts with the above districts, for the replacement of the project works operated and maintained by the United States and to supplement funds advanced by the water users to meet annual costs of operation and maintenance of such works *(66 Stat. 755, sec. 4)*	30,000
Payments to farmers' irrigation district (North Platte project, Nebraska-Wyoming): Payments are made to the farmer's irrigation district on behalf of the Northport irrigation district for water carriage *(62 Stat. 273, as amended)*	8,000
Payments to local units, Klamath Reclamation Area: Certain revenues collected from the leasing of Klamath project reserved Federal lands within the boundaries of certain national wildlife refuges will be used for various purposes *(78 Stat. 850)*	250,000
Refunds and returns: Overcollections are refunded and amounts of deposits not applied to the purposes for which the deposits were accepted are returned *(64 Stat. 689)*	62,000

U.S. FISH AND WILDLIFE SERVICE

Migratory bird conservation account: Proceeds from the sale of Federal conservation and hunting stamps are set aside for carrying out the migratory birds conservation account *(16 U.S.C. 715k-3, 5)*	14,400,000
National Wildlife Refuge Fund: The Refuge Revenue Sharing Act authorizes the expenditure of revenues from the sale of products from the National Wildlife Refuge System. Part of the net proceeds from sales of refuge products, either 25 percent or 0.75 percent of the value of lands acquired in fee in each case of each refuge, is paid to counties in which refuges are located for benefit of public schools and roads. The remainder of the revenue is available for management of the refuge system and for enforcement of the Migratory Bird Treaty Act *(16 U.S.C. 715s)*	7,040,000
Operation and maintenance of quarters: Revenues from rental of government quarters are deposited in this account for use in the operation and maintenance of such quarters for the National Park Service, Fish and Wildlife Service, and the Bureau of Indian Affairs *(Public Law 98-473, section 320)*	1,600,000

Federal aid in wildlife restoration: States are reimbursed up to 75 percent of the cost of approved wildlife restoration projects, included acquisition and development of land and water areas, and for wildlife management research *(16 U.S.C. 669–669i)* and approved hunter safety programs *(Public Law 91-503)*	$95,000,000
Proceeds from sales, water resources development projects: Receipts derived from water resources development projects conducted on national wildlife refuge lands *(16 U.S.C. 460d)*	200,000

NATIONAL PARK SERVICE

Land acquisition: Provides funds to acquire certain lands, or interests in land, for inclusion in the National Park System in order to preserve nationally important natural and historic resources *(16 U.S.C. 4601–10a)*	30,000,000
Operation and maintenance of quarters: Revenues from the rental of Government-owned quarters to park employees are deposited in this account and used to operate and maintain the quarters	9,987,000
Educational expenses, children of employees, Yellowstone National Park: Revenues received from visitors to the park are used to provide educational facilities to pupils who are dependents of persons engaged in the operation of Yellowstone National Park *(16 U.S.C. 40a)*	555,000
Payment for tax losses on land acquired for Grand Teton National Park: Park fees are used to compensate the State of Wyoming for tax losses on lands acquired for Grand Teton National Park *(16 U.S.C. 406d-3)*	30,000
Operation, management, maintenance, and demolition of federally acquired properties, Independence National Historic Park: Moneys collected from rental operations of the Irwin Building were used for the operation, management, and maintenance of this building and its subsequent demolition, as authorized in the act approved October 26, 1951 *(65 Stat. 664)*	5,000
Delaware Water Gap, Route 209 operations: Fees collected for use of Route 209 within the Delaware Water Gap National Recreation Area by commercial vehicles are used for management, operation, and maintenance of the route within the park *(97 Stat. 329)*	681,000

BUREAU OF INDIAN AFFAIRS

Operation and maintenance of quarters: Public Law 88-459 is the basic authority under which the Secretary utilizes quarters rentals funds to defer the costs incidental to the employee quarters program. Public Law 98-473 established a special fund, to remain available until expended, for the operation and maintenance of quarters	9,000,000
Claims and treaty obligations: For fulfilling treaties with the Senecas and Six Nations of New York, Pawnees of Oklahoma, and payments to the Indians of the Sioux reservations *(4 Stat. 442; 7 Stat. 46, 98, 210, 234; 11 Stat. 614, 729; 72 Stat. 644)*	2,000,000
Operation and maintenance, Indian irrigation systems: All revenues derived from charges for operation and maintenance of Indian irrigation projects are available for expenditure for operation and maintenance of the projects in accordance with the act of August 7, 1946, Public Law 647 *(60 Stat. 895)*	20,000,000
Power systems, Indian irrigation projects: Sums not in excess of the amount of power revenues covered into the Treasury to the credit of each of the power projects shall be available for the purposes authorized by section 3 of the act of August 7, 1946 (Public Law 647) as amended *(60 Stat. 895; 65 Stat. 254)*	32,000,000

TERRITORIAL AND INTERNATIONAL AFFAIRS

Compact of Free Association: The Compact of Free Association Act of 1985 constituted the necessary authorizing legislation to make annual payments to the Marshall Islands and the Federated States of Micronesia during the next 15 years totaling $2.3 billion. This assistance will aid in their successful development as sovereign States	116,350,000
Payments to the United States territories fiscal assistance: Excise taxes collected by the Internal Revenue Service are made available to the territories of Guam and the Virgin Islands under sections 1(c) and 4(c)(2) of Public Law 95-348, 92 Stat. 487	55,000,000

OFFICE OF THE SECRETARY

Operation and maintenance of quarters:

Provides for the utilization of receipts from the rental of quarters for the operation and maintenance of those quarters as authorized by section 320 of Public Law 98-473 .... $67,000

Total, Department of the Interior *$1,050,587,000*

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

Crime Victims Fund:

This fund will be credited with criminal fines that are collected from persons convicted of offenses against the United States. Annual grants will be made to eligible crime victims compensation and assistance programs *(Public Law 98-473)* 100,000,000

Total, Department of Justice *$100,000,000*

OFFICE OF PERSONNEL MANAGEMENT

Payment to Civil Service Retirement and Disability Fund:

Section 103 of the Civil Service Retirement Amendments of 1969, approved October 20, 1969, established the basis for requiring Federal contributions to the Civil Service Retirement and Disability Fund 11,859,650,000

Total, Office of Personnel Management *$11,859,650,000*

RAILROAD RETIREMENT BOARD

Federal payments to the railroad retirement accounts:

This account funds temporary direct Federal subsidies to the Railroad Pension Fund, and other payments to the Railroad Social Security Equivalent Fund 2,639,000,000

Total, Railroad Retirement Board *$2,639,000,000*

SMALL BUSINESS ADMINISTRATION

Section 503 Guaranteed Loans, FFB direct loans:

The Federal Financing Bank makes direct loans to the public on behalf of the Small Business Administration to carry out the purposes of the Section 503 guaranteed loans *(12 U.S.C. 2281-96)* 315,000,000

Total, Small Business Administration *$315,000,000*

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Payment to the Foreign Service Retirement and Disability Fund:

The Foreign Service Retirement Amendments of 1976 *(title V, Public Law 94-350)* authorized additional Federal contributions to the Foreign Service Retirement and Disability Fund 197,500,000

OTHER

International Center, Washington, DC:

Property owned by the United States in the northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street will be sold or leased to foreign governments for use as embassies. Proceeds will finance the costs of site preparation *(82 Stat. 958)* 945,000

Total, Department of State *$198,445,000*

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

Railroad Rehabilitation and Improvement Financing Fund, FFB direct loans:

Provides direct loans that are disbursed by the Federal Financing Bank to private freight railroad companies that are guaranteed by the Federal Railroad Administration *(12 U.S.C. 2281-96)* 3,800,000

COAST GUARD

Pollution Fund:

This fund was established under section 11(k) of the Federal Water Pollution Control Act, as amended by Public Law 92-500 to insure immediate cleanup of oil or other hazardous polluting substances spilled into the navigable water of the United States, adjoining shorelines or waters of the contiguous zone 7,000,000

MARITIME ADMINISTRATION

Operating-differential subsidies (liquidation of contract authority):

The Merchant Marine Act of 1936, as amended, provides that operating subsidies shall be paid to qualified operators of U.S. flag vessels to promote the maintenance of a U.S. merchant marine capability. Subsidies equivalent to the differential between American and foreign operating costs, are paid to operators of U.S. flag vessels performing essential shipping services enabling them to compete on a competitive cost basis with foreign operators........ $320,000,000

Total, Department of Transportation........ $330,800,000

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Presidential Election Campaign Fund:

Public Law 93–443 imposes overall limitations on campaign expenditures and contributions and provides for the designation of a principal campaign committee by each candidate for Federal office. The act further provides for public financing of Presidential nominating conventions and Presidential primary elections........ 37,000,000

FINANCIAL MANAGEMENT SERVICE

Claims, judgments, and relief acts:

Appropriations are made to pay claims and interest for damages not chargeable to appropriations of individual agencies and for the payment of public and private relief acts. Appropriations are made individually for judgments over $100,000, but 31 United States Code 724a authorizes a permanent indefinite appropriation to pay judgments under $100,000 from the general funds of the Treasury........ 335,718,000

Interest on uninvested funds:

This fund was established to record interest payable from the general fund of the Treasury pursuant to various permanent appropriations in connection with certain trust funds. Under the terms and conditions provided by law creating the trust in each case, interest accruing and payable from the general fund of the Treasury will be appropriated and recorded in this account for transfer to the proper trust fund receipt account *(31 U.S.C. 725s; 2 U.S.C. 158; 20 U.S.C. 54-55, 74a and 101; 24 U.S.C. 46; various treaties; and 69 Stat. 533)*........ 19,442,000

The following schedule details the interest obligations under this account:

Bequest of Gertrude M. Hubbard, Library of Congress	*$1,000*
Library of Congress trust fund	*900,000*
National Gallery of Art trust fund	*550,000*
Education of the blind	*10,000*
Soldiers' Home permanent fund	*17,000,000*
Indian tribal funds	*103,000*
Immigration bonds deposit fund	*870,000*
Oliver Wendell Holmes devise fund	*8,000*
Total, obligations	*19,442,000*

U.S. CUSTOMS SERVICE

Miscellaneous permanent appropriations:

Customs duties, taxes, and fees collected in Puerto Rico and the Virgin Islands are deposited to this account. After expenses have been provided for, available balances are transferred to the treasurer of Puerto Rico, and the treasury of the municipalities of the Virgin Islands, respectively *(48 U.S.C. 740, 795, 1396, 1406(h))*........ 108,000,000

U.S. MINT

Coinage Profit Fund:

A portion of the gains resulting from manufacturing coins is available to cover wastage and recoinage losses incurred in coinage, and the cost of distributing coins. Public Law 97–220 authorizes the use of this fund for all activities concerning the Olympic Coin Act *(31 U.S.C. 5111, 5112, and 5120)*........ 44,925,000

INTERNAL REVENUE SERVICE

Payment where credit exceeds liability for tax:

Indefinite appropriation for payment to tax filers in instances wherein the earned income credit exceeds the amount of tax liability owed. The Revenue Adjustment Act of 1975 (Public Law 94–164) originally authorized this credit which was made permanent by the Revenue Act of 1978 (Public Law 95–600)........ 1,228,000,000

Refunding internal revenue collections (interest):

The act of June 19, 1948, appropriated such sums as may be necessary for payment of interest on internal revenue collections *(26 U.S.C. 6611)* $1,473,000,000

Internal revenue collections for Puerto Rico:

Taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States or consumed on the island shall be covered into the treasury of Puerto Rico *(26 U.S.C. 7652)* 245,000,000

U.S. SECRET SERVICE

Contribution for annuity benefits:

Reimbursement to the District of Columbia on a monthly basis for benefit payments made from revenues of the District of Columbia to members of the Executive Protection Service and such members of the U.S. Secret Service as are entitled thereto *(72 Stat. 883)* 12,000,000

INTEREST ON THE PUBLIC DEBT

Interest on the public debt:

Indefinite appropriation for payment of interest on public debt *(31 U.S.C. 1305 and 3123)* 172,513,021,000

Interest on the public debt paid to trust funds:

Interest earned by the on-budget trust funds is deducted so that the functional total for net interest includes only the Government's net transactions with the public, not payments between Government accounts 30,251,359,000

Total, Department of the Treasury *$206,267,465,000*

INDEPENDENT AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

Public Broadcasting Fund:

The Corporation for Public Broadcasting assists in the development and improvement of public telecommunications services and noncommercial television and radio broadcasting through direct support of national interconnection services, payments to radio and television stations for general operational support, and grants to radio and television stations and other entities throughout the country for the production and acquisition of programs for national, regional, and local use. In addition, the Corporation for Public Broadcasting undertakes research and analysis activities, conducts training, and provides technical assistance to improve systemwide capacity and performance, as authorized by the Public Telecommunications Financing Act of 1978 200,000,000

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Insurance Development Fund:

The National Insurance Development Fund provides the funding source for two programs authorized by the Urban Property Protection and Reinsurance Act of 1968, as amended: (1) the FAIR (fair access to insurance requirements) plan/Riot Reinsurance Program; and (2) the Federal Crime Insurance Program 14,492,000

National Flood Insurance Fund:

The National Flood Insurance Act of 1968, as amended, authorizes the Federal Government to provide flood insurance on a national basis. Structures in identified flood-prone areas are eligible for limited amounts of coverage at subsidized insurance rates 5,447,000

PANAMA CANAL COMMISSION

Operations and facilities:

The Panama Canal Act of 1979 established the Panama Canal Commission to operate and maintain the interoceanic waterway. The Commission is self-sufficient in its operations and makes payments to the Republic of Panama as specified in the Panama Canal Treaty of 1977 *(Public Law 99-195)* 8,700,000

POSTAL SERVICE

Postal Service Fund:

Section 2005 of title 39, United States Code, authorizes the Postal Service to borrow by issuing obligations which may not exceed $10 billion outstanding at any one time. The Postal Service anticipates using $1.6 billion in borrowing authority in fiscal year 1986 because expenses are expected to exceed revenues 2,697,709,000

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund (energy supply):		
The Tennessee Valley Authority is the sole supplier of electric power to an area of 80,000 square miles in seven Tennessee Valley States, as provided in the Tennessee Valley Authority Act of 1933, as amended *(16 U.S.C., ch. 12A)*		$549,180,000
Tennessee Valley Authority Fund, Seven States Energy Corporation, FFB direct loans:		
Required by the Balanced Budget and Emergency Deficit Control Act of 1985 *(12 U.S.C. 2281-96)*		167,300,000

U.S. RAILWAY ASSOCIATION

Regional rail reorganization program:		
Authorized by the Regional Rail Reorganization Act, as amended, to borrow funds and make loans to certain railroads. These borrowings are guaranteed by the Secretary of Transportation and are limited to an aggregate of outstanding obligations of $395 million *(45 U.S.C. 720 E)*		6,982,000
Total, Independent agencies	*$3,649,810,000*	
Grand total, Federal funds	*264,669,029,000*	

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1987 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1986	1987
Legislative:		
Senate	$8,976,000	$8,976,000
House of Representatives	40,433,000	40,993,000
Library of Congress	110,011,000	110,006,000
Total	159,420,000	159,975,000
Executive:		
Funds Appropriated to the President: International security assistance	950,451,000	473,315,000
Department of Agriculture:		
Agriculture Research Service	2,800,000	
Commodity Credit Corporation	5,319,558,000	[1]118,635,000
Rural Electrification Administration	2,456,715,000	1,947,257,000
Farmers Home Administration	5,329,881,000	559,745,000
Agricultural Marketing Service	380,079,000	423,433,000
Food and Nutrition Service	3,271,592,000	3,227,923,000
Forest Service	379,657,000	445,103,000
Total	17,140,282,000	6,722,096,000
Department of Commerce: National Oceanic and Atmospheric Administration	43,707,000	46,000,000
Department of Defense—Military:		
Family housing	160,000	2,000,000
Revolving and management fund	501,100,000	6,000,000
Total	501,260,000	8,000,000
Department of Defense—Civil:		
Corps of Engineers, Civil	9,000,000	9,000,000
Military retirement	10,500,000,000	11,200,000,000
Forest and wildlife conservation, military reservations	2,897,000	2,355,000
Total	10,511,897,000	11,211,355,000
Department of Education: Vocational and Adult Education	7,148,000	7,148,000
Department of Energy:		
Energy programs	15,570,000	570,000
Power Marketing Administration	330,890,000	279,563,000
Total	346,460,000	280,133,000
General Services Administration:		
Personal property activities	5,200,000	5,200,000
Federal property resources activities	3,668,000	3,668,000
Total	8,868,000	8,868,000
Department of Health and Human Services:		
Health Resources and Services Administration	3,700,000	3,000,000
Health Care Financing Administration	6,399,000,000	6,922,000,000
Social Security Administration	10,271,219,000	10,836,204,000
Total	16,673,919,000	17,761,204,000

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[1] Excludes $15,536,817,000, which was considered in H.R. 5177, Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987, as "current, indefinite" appropriations.

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1987 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1986	1987
Executive—Continued:		
Department of Housing and Urban Development:		
Housing programs	$55,525,000	$59,378,000
Public and Indian housing programs	1,237,500,000	1,365,800,000
Community planning and development	108,000,000	155,000,000
Total	1,401,025,000	1,580,178,000
Department of the Interior:		
Bureau of Land Management	16,704,000	52,723,000
Minerals Management Service	574,391,000	550,686,000
Bureau of Reclamation	21,200,000	53,263,000
U.S. Fish and Wildlife Service	143,969,000	118,240,000
National Park Service	40,855,000	41,258,000
Bureau of Indian Affairs	63,900,000	63,000,000
Territorial and International Affairs	60,000,000	171,350,000
Office of the Secretary	86,000	67,000
Total	921,105,000	1,050,587,000
Department of Justice: Office of Justice Programs	100,000,000	100,000,000
Office of Personnel Management	11,937,172,000	11,859,650,000
Railroad Retirement Board	3,313,000,000	2,639,000,000
Small Business Administration	525,000,000	315,000,000
Department of State:		
Administration of Foreign Affairs	215,600,000	197,500,000
Other	945,000	945,000
Total	216,545,000	198,445,000
Department of Transportation:		
Federal Railroad Administration	1,600,000	3,800,000
Coast Guard	7,000,000	7,000,000
Maritime Administration	299,500,000	320,000,000
Total	308,100,000	330,800,000
Department of the Treasury:		
Departmental Offices	37,000,000	37,000,000
Financial Management Service	385,145,000	355,160,000
U.S. Customs Service	105,000,000	108,000,000
U.S. Mint	168,288,000	44,925,000
Internal Revenue Service	3,030,000,000	2,946,000,000
U.S. Secret Service	12,000,000	12,000,000
Interest on the public debt	191,651,879,000	202,764,380,000
Total	195,389,312,000	206,267,465,000

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1987 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1986	1987
Executive—Continued:		
Independent agencies:		
Corporation for Public Broadcasting	$159,500,000	$200,000,000
Federal Emergency Management Agency	92,141,000	19,939,000
Panama Canal Commission		8,700,000
Postal Service	3,308,984,000	2,697,709,000
Tennessee Valley Authority	765,676,000	716,480,000
U.S. Railway Association	6,450,000	6,982,000
U.S. Synthetic Fuels Corporation	23,057,000	
Total	4,355,808,000	3,649,810,000
Grand total	264,810,479,000	264,669,029,000

III. PERMANENT APPROPRIATIONS—TRUST FUNDS

(For permanent Federal funds, see table II)

COMPILER'S NOTE—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1987. These are funds that do not require annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are estimated and are thus subject to revision as better data becomes available during the fiscal year.

LEGISLATIVE

LIBRARY OF CONGRESS

Gift Fund: This fund represents gifts or bequests of money made to the Library of Congress for the immediate disbursement by the Librarian in the interest of the Library, its collections, or its service for the purpose in each case specified *(2 U.S.C. 160; 31 U.S.C. 725s)*	$2,218,000
Income from investment account: This fund represents income from investments held by the Treasury for the benefit of the Library of Congress and is subject to disbursement by the Librarian for the purposes in each case specified *(2 U.S.C. 157; 31 U.S.C. 725s)*	633,000
Payment of interest on bequest of Gertrude M. Hubbard: Trust fund of $20,000, the interest on which, at 4 percent per annum, is to be used for the purchase of engravings and etchings to be added to the "Gardiner Greene Hubbard Collection" *(Act of Aug. 20, 1912, 37 Stat. 319, sec. 21)*	2,000
Payment of interest on permanent loan: This appropriation represents a sum equivalent to interest at the rate of 4 percent per annum, payable semiannually, on a permanent loan to the United States, not exceeding $5,000,000, in accordance with provisions of gifts or bequests—such interest, as income, being subject to disbursement by the Librarian of Congress for the purpose specified *(2 U.S.C. 156–158; Act of Mar. 3, 1925, 43 Stat. 1107)*	120,000
Service fees: Operation of a photoduplication laboratory and a sound recording laboratory are financed from fees received for services rendered to other Government agencies and the public *(2 U.S.C. 160; 31 U.S.C. 725s)*	5,778,000

OFFICE OF TECHNOLOGY ASSESSMENT

Contributions and donations: This fund provides for the use of contributions and donations for furtherance of the general purposes of the Technology Assessment Act of 1972, Public Law 92-484 *(2 U.S.C. 475(a)(5))*	3,000
Total, Legislative *$8,754,000*	

THE JUDICIARY

Judicial Survivors' Annuity Fund: This fund is used to pay annuities to eligible widows and dependent children of deceased judges of the United States, to make refunds to former judges who have elected to come under the judicial survivors annuity system but who have left the service, and to pay claims of survivors of member judges for any unpaid amounts credited to the individual accounts of such judges *(28 U.S.C. 376)*	17,068,000
Total, the Judiciary *$17,068,000*	

EXECUTIVE

FUNDS APPROPRIATED TO THE PRESIDENT

Disaster relief, bequests and gifts:	
This fund represents contributions from the estate of Cora Brown to support the disaster relief fund	$85,000
Technical assistance, U.S. dollars advanced from foreign governments:	
Funds advanced by foreign countries are used to pay for procurement in the United States of nonmilitary materials or services for programs in those countries in accordance with bilateral agreements *(22 U.S.C. 2315)*	15,000,000
Miscellaneous contributed funds:	
Funds received by gift, devise, bequest, or from foreign governments for furtherance of the Peace Corps Program *(22 U.S.C. 2509(a)(3)*	550,000
Advances, foreign military sales:	
The trust fund, which is strictly a cash account, is to enable foreign governments to take advantage of savings which result from procurements through U.S. Government channels. Authorized by sections 21 and 22 of the Arms Export Control Act, the fund is used to facilitate cash sales of defense articles and services *(82 Stat. 1323)*	12,600,000,000
Total Funds Appropriated to the President *$12,615,635,000*	

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Gifts and bequests:	
The Secretary is authorized to accept and administer gifts and bequests of real and personal property to facilitate the work of the Department. Property and the proceeds thereof are used in accordance with the terms of the gift or bequest *(7 U.S.C. 2269)*	101,000

AGRICULTURAL RESEARCH SERVICE

Miscellaneous contributed funds:	
Funds received from States, local organizations, individuals, and others available for work under cooperative agreements on research activities *(7 U.S.C. 450b, 2220)*	2,000,000

STATISTICAL REPORTING SERVICE

Miscellaneous contributed funds:	
Miscellaneous funds received from local organizations, commodity groups, and others are available for dissemination of reports and for crop and livestock survey work under cooperative agreements *(7 U.S.C. 450b, 450h)*	160,000

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Miscellaneous contributed funds:	
Miscellaneous funds are received from the Department of State and from Saudi Arabia and other developing countries for USDA development assistance and international research projects *(22 U.S.C. 2392)*	3,352,000

SOIL CONSERVATION SERVICE

Miscellaneous contributed funds:	
Miscellaneous funds received from States, local organizations, individuals, and others are available for work under cooperative agreements *(7 U.S.C. 450b)*	560,000

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Expenses, feed, and attendants for animals in quarantine:	
Fees advanced by importers *(21 U.S.C. 102)*	2,325,000
Miscellaneous contributed funds:	
Funds received from States, local organizations, individuals, and others available for plant and animal quarantine inspections, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)*	2,410,000

AGRICULTURAL MARKETING SERVICE

Expenses and refunds, inspection and grading of farm products:	
An inspection and grading service of products is provided on request. Thus services are supported primarily by fees paid by users. The schedules reflect expenses paid from fees received *(7 U.S.C. 91-99, 1621-1627)*	78,378,000

FOOD SAFETY AND INSPECTION SERVICE

Expenses and refunds, inspection and grading of farm products:

An inspection and grading service for products is provided on request. These services are supported primarily by fees paid by users. A limited amount of direct appropriation is available which covers a portion of the public benefit service. The schedules reflect expenses paid from fees received *(7 U.S.C. 1621-1627)* $825,000

FOREST SERVICE

Miscellaneous trust funds:

Advances, including deposits from purchasers of timber, are received and used for specified work in forest investigations, protection, and improvements of the national forests; and protection, reforestation, and administration of private lands adjacent to national forests *(7 U.S.C. 2269; 16 U.S.C. 498, 535, 572, 572a, 576b, 1643; and 31 U.S.C. 725s)* 197,616,000

Reforestation trust fund:

Amounts from this account are used for reforestation as authorized by section 303 of the act of October 14, 1980 *(16 U.S.C. 1606a (d) and (e))* 30,000,000

Total, Department of Agriculture *$317,727,000*

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

Gifts and bequests:

This fund established to account for gifts and bequests in furtherance of programs and activities of the Department of Commerce. Property and the proceeds thereof are used as nearly as possible in accordance with the terms of the gift or bequest *(15 U.S.C. 1522)* 200,000

ECONOMIC AND STATISTICAL ANALYSIS

Information products and services:

This fund is maintained to finance the preparation of transcripts from technical and scientific reports, studies, tables, and other research materials 36,639,000

Total, Department of Commerce *$36,839,000*

DEPARTMENT OF DEFENSE—MILITARY

DEPARTMENT OF THE ARMY

General gift fund:

Included in this fund are gifts and bequests limited to specific purposes by the donor, such as, the Evangeline G. Bovard award, Cormack Medical Fund, Quartermaster Foundation Inc., and Henry C. McClean bequest. In addition, it accounts for gifts and bequests not limited to specific use by the donor which may be used for purposes determined by the Secretary of the Army *(10 U.S.C. 2601)* 120,000

DEPARTMENT OF THE NAVY

General gift fund:

This fund consists mostly of donations from individuals, subject to conditions specified by the donor, for the benefit of the Naval Academy, the Naval Academy Museum, and other institutions of the Navy *(10 U.S.C. 6973; 10 U.S.C. 6974; 10 U.S.C. 2601)* 300,000

Office of Naval Records and History Fund:

Gifts or bequests of money and royalties received from sale of histories of U.S. naval operations shall be deposited in the Treasury of the United States under the title "Office of Naval Records and History Funds," and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the Office of Naval Records and Library subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 7222)* 29,000

Ship's stores profits:

Profits on certain sales, to be expended for the recreation and amusement of the enlisted force of the Navy *(31 U.S.C. 725s (68); 10 U.S.C. 7604)* 22,790,000

United States Naval Academy general gift fund:

Gifts or bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy general gift fund" and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the United States Naval Academy subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 2601, 6973)* 400,000

United States Naval Academy Museum Fund: Gifts and bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy Museum Fund" and the funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit of the United States Naval Academy Museum, its collection, or its services. Interest on investments accrues to the fund *(10 U.S.C. 6974)*		$181,000

DEPARTMENT OF THE AIR FORCE

General gift fund: This fund is for gifts or bequests to the Air Force, some of which are limited to use for specific purposes by the donors *(10 U.S.C. 2601)*		80,000
Trust revolving funds: Established to reimburse appropriations for payments made on behalf of commissary stores for operating equipment and supplies such as utilities, laundry services, and inventory losses *(10 U.S.C. 2685)*		39,800,000
Total, Department of Defense—Military	*$63,700,000*	

Department of Defense—Civil

CORPS OF ENGINEERS—CIVIL

Funds contributed for river and harbor improvements: Indefinite appropriations of the amounts received and covered into the Treasury as contributions and advances by local interests in certain localities for river and harbor improvements as provided in various acts of Congress *(33 U.S.C. 560, 561, 701h, 702f, 703)*		227,000,000

MILITARY RETIREMENT

Military Retirement Fund: The defense authorization bill, Public Law 98-94, provides for accrual funding of the military retirement system, and for the establishment of a Department of Defense Military Retirement Fund		33,702,100,000

EDUCATION BENEFITS

Education Benefits Fund: Public Law 98-525 provides for the accrual funding of certain new education benefits to be provided to active duty military personnel and to Selected Reserve personnel *(38 U.S.C. 30 and 10 U.S.C. 106)*		264,800,000

SOLDIERS' AND AIRMEN'S HOME

Payment of claims: Refunds are made from the permanent fund of amounts of court-martial fines and other charges erroneously deducted from the pay of soldiers and airmen after adjudication of claims therefor by the General Accounting Office *(31 U.S.C. 71, 711(12); 24 U.S.C. 44)*		5,000
Total, Department of Defense—Civil	*$34,193,905,000*	

Department of Education

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Promotion of education for the blind: A $250,000 trust fund was established in 1879 for the American Printing House for the Blind. The statute provides that the fund will produce annually $10,000 in interest income		10,000
Total, Department of Education	*$10,000*	

Department of Energy

ENERGY PROGRAMS

Advances for cooperative work: When requested, the Western Area Power Administration performs investigations or construction work with the funding provided by non-Federal entities under the Contributed Funds Act *(43 U.S.C. 395, 396)*		86,450,000
Total, Department of Energy	*$86,450,000*	

ENVIRONMENTAL PROTECTION AGENCY

Miscellaneous contributed funds:

Includes gifts for pollution control programs which are, for the most part, designated for a specific use by the donor, and deposits from pesticide registrants to cover the costs of petition hearings when such hearings result in unfavorable decisions to the petitioner $15,000

Total, Environmental Protection Agency *$15,000*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

Miscellaneous trust funds:

Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are used in accordance with the conditions prescribed *(42 U.S.C. 219, 24 U.S.C. 165, 24 U.S.C. 2001-2004)* 8,124,000

HEALTH CARE FINANCING ADMINISTRATION

Federal Hospital Insurance Trust Fund:

Public Law 89–97 provides social insurance under the Social Security system for inpatient and outpatient hospital care, posthospital extended care, and outpatient hospital extended care, and home health services to over 20 million aged Americans financed by a joint employee-employer tax 62,583,000,000

Federal Supplementary Medical Insurance Trust Fund:

The Social Security Act provides for a voluntary supplemental medical benefits program. Benefit payments are made to those electing coverage to cover the cost of physicians' services, home health services, and other related medical services. Costs of benefit payments and administrative expenses are financed by premium payments together with matching contributions from the general revenues of the Treasury *(revised 4/68)* 27,414,000,000

SOCIAL SECURITY ADMINISTRATION

Federal Old-Age and Survivors Insurance Trust Fund:

Under the provisions of section 201, title II, of the Social Security Act Amendments of 1939, approved August 10, 1939, there was created on the books of the Treasury of the United States a trust fund to be known as the "Federal Old-Age and Survivors Insurance Trust Fund," consisting of the securities held by the Secretary of the Treasury for the "old-age reserve account" and the amount standing to the credit of the "old-age reserve account" on the books of the Treasury of January 1, 1940, which securities and amount the Secretary of the Treasury was authorized and directed to transfer to the trust fund, and, in addition, such amounts as may be appropriated to the trust fund as provided in the act. The act appropriates funds for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of the taxes (including interest, penalties, and additions to the taxes) received under the Federal Insurance Contributions Act and covered into the Treasury, with the further provision that the trust fund shall repay to the general fund of the Treasury the amount required by the Social Security Board and the Treasury Department to administer title II and title VIII of the act and the Federal Insurance Contributions Act *(42 U.S.C. 401)* 207,996,471,000

Federal Disability Insurance Trust Fund:

The Social Security Act provides disability insurance benefits for certain disabled individuals. An amount equal to 0.55 percent of wages paid and 0.825 percent of self-employment income is appropriated to this fund for benefit payments and administrative expenses. The excess of income over outgo and annual interest are invested in Government securities.

Under the provisions of the act, the Secretary of Health, Education, and Welfare will determine at the end of each year, that portion of the administrative expenses of the Bureau of Old-Age and Survivors Insurance which is a proper charge against this fund *(70 Stat. 821)* 20,217,526,000

Total, Department of Health and Human Services *$318,219,121,000*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

Gifts and bequests:

This fund is the repository of gifts and bequests which the Secretary of Housing and Urban Development is authorized to accept and use for the purpose of aiding the work of the Department $5,000

Total, Department of Housing and Urban Development *$5,000*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Land and Resource Management Trust Fund:

Applicants for conveyance of lands omitted in original surveys pay the cost of surveys and the administrative costs of conveyance. Advances are made by individuals to pay the costs of other types of surveys requested by them. Users of the Federal range and others contribute funds or make gifts for conservation practices, acquisition, protection, and other purposes *(43 U.S.C. 315h, 315i, 775; 74 Stat. 506; 31 U.S.C. 711; 43 U.S.C. 759, 761, and 887; 48 Stat. 1224–1236; 90 Stat. 2758; secs. 211 and 307(c) of Public Law 94–579)* 599,000

Trustee funds, Alaska townsites:

Amounts received from sale of Alaska town lots are available for expenses incident to the maintenance and sale of townsites *(31 U.S.C. 725s; Comp. Gen. Decision of Nov. 18, 1935)* 1,000

BUREAU OF RECLAMATION

Reclamation trust funds:

Funds advanced by State and local governments are used for investigations and construction requested by those governments and by foreign governments for technical services other than those services performed under auspices of Foreign Operations Administration *(43 U.S.C. 395, 396)* 28,062,000

GEOLOGICAL SURVEY

Contributed funds:

Funds contributed by States, counties, municipalities, and private sources are used to provide basic scientific data and analyses concerning water, land, energy, and mineral resources 500,000

BUREAU OF MINES

Contributed funds:

Funds contributed by States, counties, municipalities and private sources are used to conduct research and investigations to promote (a) the conservation and development of mineral resources and (b) health and safety in the mineral industries 500,000

U.S. FISH AND WILDLIFE SERVICE

Sport fish restoration:

Assistance is provided to States, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and the District of Columbia for up to 75 percent of the cost of approved projects including research into fisheries problems, surveys and inventories of fish populations, and acquisition and improvement of fish habitat and provision of access for public use *(Public Law 98–369)* 161,465,000

Contributed funds:

For miscellaneous contributed funds, received by the Fish and Wildlife Service from States, local organizations, individuals, et cetera, deposited in the Treasury of the United States and made available for work under cooperative agreements *(5 U.S.C. 563, 564; 16 U.S.C. 661)* 4,165,000

NATIONAL PARK SERVICE

Donations:

Hereafter the Secretary of the Interior in the administration of the National Park Service is authorized in his discretion to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purpose of the National Park and Monument System *(16 U.S.C. 6)* 8,825,000

Preservation, birthplace of Abraham Lincoln:

Interest from an endowment fund, title to which was transferred to the United States by the Lincoln Farm Association on April 11, 1916, in connection with deed of gift conveying the homestead of Abraham Lincoln and the log cabin in which he was born. This fund has been converted into the city of Louisville, KY, bonds amounting to $44,000 and United States Treasury bonds amounting to $16,500, the income from which is available for expenses incident to the preservation of the birthplace of Lincoln *(16 U.S.C. 211-212)* $8,000

BUREAU OF INDIAN AFFAIRS

Cooperative Fund (Papago):

The Cooperative Fund, established by section 313 of the Southern Arizona Water Rights Settlement Act (96 Stat. 1274–1285), provides a source of funds for the Secretary of the Interior to carry out the obligations of the Secretary under sections 303, 304, and 305 of the act. Only interest accruing to the fund may be expended. However, the law provides that no such interest can be spent prior to the earlier of 1992 or the completion of the main project works of the central Arizona project 1,150,000

Miscellaneous trust funds:

Funds held in trust for Indian tribes under the provisions of various acts are used for the expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians. The tribes are encouraged to develop plans for the beneficial use of their funds *(44 Stat. 560; 25 U.S.C., Sec. 155; 82 Stat. 171)* 466,453,000

Total, Department of the Interior $671,728,000

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Gifts and bequests, National Commission for Employment Policy:

Miscellaneous funds from gifts and bequests are used to carry out the provisions of the National Commission for Employment Policy *(29 U.S.C. 954)* 10,000

Unemployment Trust Fund:

The financial transactions of the Federal-State and railroad unemployment insurance systems are made through the Unemployment Trust Fund. In the Federal-State system, benefit payments are made by each State, financed by State payroll taxes. These tax receipts are deposited in the Unemployment Trust Fund and invested in Government securities until needed for benefit payments. The expenses of State and Federal administration (including those of the Federal-State employment service), are paid from the fund out of revenue from the Federal unemployment tax, assessed on employers, of 0.5 percent of the first $4,200 of wages.

Both the benefit payments and administrative expenses of the separate Unemployment Insurance Program for railroad employees are paid from the Unemployment Trust Fund and receipts from the tax on wages of railroad employees are deposited in the fund to meet expenses *(42 U.S.C. 1104)* 25,300,000,000

EMPLOYMENT STANDARDS ADMINISTRATION

Special workmen's compensation expenses: Longshoremen's and Harbor Worker's Compensation Act:

Trust fund created by section 44 of the act of March 4, 1927 *(33 U.S.C. 944)*, from the amount received as compensation for death of an employee where no person is entitled to compensation for such death and from fines and penalties collected; to be used for the payment of additional compensation under the provisions of subdivisions (f) and (g) of section 8 of the act of March 4, 1927 *(33 U.S.C. 908; 31 U.S.C. 725; 33 U.S.C. 944)* 87,000,000

Total, Department of Labor $25,387,010,000

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement and Disability Fund:

The act of May 22, 1920 *(41 Stat. 614)* as amended, authorized the establishment of the Civil Service Retirement and Disability Fund and the deposit therein of deductions from the salaries of, and deposits for additional annuity by, employees and other members of the Civil Service Retirement and Disability Fund and appropriated said fund for the payment of annuities, refunds, and allowances to such members. Said fund is supplemented by contributions from the various Government agencies as required by the act of July 31, 1956 *(5 U.S.C., ch. 14, Stat. 622, act of July 31, 1956)* $43,256,795,000

Total, Office of Personnel Management *$43,256,795,000*

RAILROAD RETIREMENT BOARD

Rail Industry Pension Fund:

Fund revenues are derived from pension contributions by railroad employers and employees; interest on investments; various temporary subsidies; and payments from the Federal old-age, survivors and disability insurance trust funds 3,195,000,000

Railroad Social Security equivalent benefit account:

All railroad retirees receive the equivalent of a Social Security benefit, and they may also receive rail industry pension payments and special windfall payments. Social Security benefits for former railroad employees are funded by the Social Security trust funds, and rail industry pension payments are the responsibility of the rail sector. To ensure and protect the integrity of Social Security benefits to railroad retirees, the Railroad Retirement Solvency Act of 1983 mandated that beginning in 1985, the financing and payment of Federal Social Security benefits be separated from the Rail Industry Pension Trust Fund 6,544,000,000

Total, Railroad Retirement Board *$9,739,000,000*

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Foreign Service Retirement and Disability Fund:

This fund is used primarily for the payment of annuities to retired Foreign Service officers. It is also used for the refund of contributions made to certain officers who leave the Foreign Service before retirement. The fund is maintained through (1) contribution of 7 percent of the basic annual salaries of all Foreign Service officers; (2) interest on investments; and (3) appropriated funds *(22 U.S.C. 1062)* 785,117,000

Unconditional Gift Fund:

Unconditional gifts may be used to carry out the Department's functions *(22 U.S.C. 809)* 402,000

Conditional Gift Fund:

This fund consists of procurement of furnishing, paintings, and decorative objects for the Department's diplomatic reception rooms and funds donated by overseas commissary and mess services to assist such services at other posts *(22 U.S.C. 809)* 3,598,000

Total, Department of State *$789,117,000*

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY TRUST FUND

The Highway Revenue Act of 1956, as amended, provides for the transfer from the general fund to the Highway Trust Fund of revenue from the gasoline tax and certain other taxes paid by highway users. The Secretary of the Treasury estimates the amounts to be so transferred. In turn, annual appropriations are authorized from this fund to meet expenditures for Federal-aid highways and other programs specified by law as follows:

Federal-aid highways:

Grants are made to States for construction and improvements of Federal-aid highways. Contract authorizations are provided in the Federal-Aid Highway Act of 1956 and subsequent highway legislation to cover 90 percent of the costs of completing the 42,500-mile national system of interstate and defense highways, and to provide Federal matching funds for the primary, secondary, and urban programs under the statutory formulas. The Federal share of project costs is increased in those States with large areas of public domain. Payments to the States for work done are made out of the Highway Trust Fund, into which are deposited certain percentages of tax receipts on motor fuel, tires and tubes, tread rubber, trucks, buses, trailers, truck use, truck parts and accessories, and on lubricating oil used in highway vehicles 4,100,000,000

MISCELLANEOUS TRUST FUNDS

Contributions for highway research programs:

In association with the General Services Administration and the Department of Defense, tests of highway equipment are conducted for the purpose of establishing performance standards upon which to base specifications for use by the Government in purchasing such equipment $13,000

Cooperative work, forest highways:

Contributions are received from States and counties in connection with cooperative engineering, survey, maintenance, and construction projects for forest highways *(23 U.S.C. 204)* 361,000

Technical assistance, U.S. dollars advanced from foreign governments:

Under the Foreign Economic Assistance Act and under agreement with the International Bank for Reconstruction and Development and the Export-Import Bank of Washington, the Federal Highway Administration renders technical assistance and acts as agent for the purchase of equipment and materials for carrying out highway programs in foreign countries. During the current year these services are being rendered to Costa Rica, the Dominican Republic, Ethiopia, Iran, Nicaragua, and the Philippines *(64 Stat. 204, 209)* 4,302,000

Advances from State cooperating agencies:

Funds are contributed by the State highway department or local subdivisions thereof for construction and/or maintenance of roads or bridges. The work is performed under the supervision of the Federal Highway Administration 305,000

FEDERAL AVIATION ADMINISTRATION

Grants-in-aid for airports (Airport and Airway Trust Fund):

Authorizes the Secretary of Transportation to incur obligations for airport planning, noise abatement planning and development grants through 1987 *(Public Law 97-248)* 1,017,200,000

COAST GUARD

Coast Guard General Gift Fund:

This trust fund, maintained from gifts and bequests, is used for purposes as specified by the donor in connection with the Coast Guard Training Program *(10 U.S.C. 2601)* 80,000

MARITIME ADMINISTRATION

Special studies, services, and projects:

The trust fund was established pursuant to 15 U.S.C. 1525–1526 joint projects with non-Federal sources on inland waterways communications systems, and the joint development of a bilateral cargo information system 385,000

Gifts and bequests:

The Secretary of Transportation is authorized to accept, hold, administer, and utilize gifts and bequests of property. Proceeds are used in accordance with the terms of the gift or bequest 15,000

Total, Department of Transportation *$5,122,661,000*

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Gifts and bequests:

The Secretary of the Treasury is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department 250,000

FINANCIAL MANAGEMENT SERVICE

Esther Cattell Schmitt Fund:

Public Law 87–467 *(76 Stat. 88)* authorized the acceptance of the gift made to the United States by the will of Esther Cattell Schmitt. The income received from the gift to the United States is paid by the Secretary of the Treasury to beneficiaries named in provisions of the will 18,000

Pershing Hall Memorial Fund:

The Secretary of the Treasury may invest the Pershing Hall Memorial Fund in interest bearing U.S. bonds. Earnings are paid to the American Legion for use in the maintenance of Pershing Hall in Paris, France *(36 U.S.C. 491)* 7,000

U.S. CUSTOMS SERVICE

Refunds, transfers and expenses, unclaimed, abandoned, and seized goods:

All proceeds of the sale of abandoned and seized merchandise are deposited to this account. Expenses of sale are paid and net proceeds transferred to miscellaneous receipts *(19 U.S.C. 528, 1491, 1493, 1559, 1613, 1624)* $7,537,000

Total, Department of the Treasury *$7,812,000*

VETERANS ADMINISTRATION

Post-Vietnam era veteran's education account:

This account is a depository for that portion of the contributory matching Educational Program which provides educational assistance payments to participants who entered the service after January 1, 1977, and are pursuing training under chapter 32 *(38 U.S.C.)* 293,500,000

General Post Fund, national homes:

This fund consists of gifts, and bequests and proceeds of property left in the care of the homes by former members; unpaid pension money standing to the credit of members of the homes who die without pensionable heirs, and proceeds from effects of members of the homes who die leaving no heirs or next of kin and without having disposed of their estate by will. Such funds are available upon authorization of the Administrator of Veterans Affairs for the construction of chapels, amusement halls, and for other objects to promote the comfort and welfare of the veterans at the various hospitals and homes in cases where no general appropriation is available *(38 U.S.C. Chs. 83 and 85)* 14,500,000

National Service Life Insurance Trust Fund:

This fund was established in 1940 as the financing mechanism for World War II Servicemen's and Veterans Insurance Program authorized by the National Service Life Insurance Act of 1940. Over 22 million policies have been issued under this program. Because issuance of new policies ended in 1951 the insurance in force will continue to decline.

This fund is operated on a commercial basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the veterans insurance and indemnities appropriation for claims (1) resulting from extra hazards of the veterans' service, and (2) arising on certain policies held by personnel on active duty *(72 Stat. 1154)* 1,392,900,000

U.S. Government Life Insurance Fund:

This fund was established in 1919 to receive premiums and pay claims on insurance issued under the provisions of the War Risk Insurance Act.

The fund is operated on a commercial basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the appropriation veterans insurance and indemnities for claims (a) resulting from the extra hazards of the veterans' service, and (b) arising on certain policies held by personnel on active military duty *(72 Stat. 1161)* 17,320,000

Total, Veterans Administration *$1,718,220,000*

INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Contributions:

State and local governments and nonprofit organizations contribute funds to strengthen the Commission's clearinghouse and information services to State and local governments, for special studies, and to encourage widespread consideration of the Commission's recommendations for improving intergovernmental relations 170,000

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Donations:

The chairman of the Advisory Council on Historic Preservation accepts and uses donated moneys for purposes of the Council *(16 U.S.C. 470)* 5,000

AMERICAN BATTLE MONUMENTS COMMISSION

Contributed Flower Fund: This fund consists of moneys deposited by citizens for floral decorations for graves in military cemeteries in foreign countries. The donor is advised when flowers have been placed *(36 U.S.C. 128)*	$22,000
Repair of non-Federal war memorials: When requested to do so and upon receipt of the necessary funds, the Commission will arrange for and oversee the repair of war memorials to U.S. Forces erected in foreign countries by American citizens, States, municipalities, or associations. Such moneys are accounted for through this fund *(36 U.S.C. 128)*	21,000

APPALACHIAN REGIONAL COMMISSION

Miscellaneous trust funds: The thirteen Appalachian States share with the Federal Government the administrative expenses of the Appalachian Regional Commission. These expenses will be funded from Federal funds made available for the closeout of the Appalachian Development Programs	1,198,000

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Harry S. Truman Memorial Scholarship Trust Fund: The Foundation is authorized to award college scholarships of up to $5,000 annually for 4 years to qualified persons who demonstrate outstanding potential and who are preparing to pursue careers in public service at the local, State, or Federal levels	4,400,000

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

National Archives Gift Fund: Proceeds from sale of copies of microfilm publications, reproductions, and other publications, and admission fees to Presidential Library museum rooms are deposited to this fund *(44 U.S.C. 2112)*	284,000

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Gifts and donations (arts): The National Foundation on the Arts and the Humanities Act of 1965, as amended, authorizes the Arts Endowment to receive money and other donated property. Such gifts may be used, sold, or otherwise disposed of to support arts projects and activities	19,000
Gifts and donations (humanities): The National Foundation on the Arts and the Humanities Act of 1965, as amended, authorizes the Humanities Endowment to receive money and other donated property. Such gifts may be used, sold, or otherwise disposed of to support humanities projects and activities	200,000

NATIONAL INSTITUTE OF BUILDING SCIENCES

National Institute of Building Sciences Trust Fund: The purpose of the Institute is to support the development and maintenance of nationally recognized building performance criteria for maintenance of life safety, health, and public welfare	500,000

NATIONAL SCIENCE FOUNDATION

Donations: Donations are used in furtherance of general purposes of the Foundation	5,000,000

SMITHSONIAN INSTITUTION

Canal Zone Biological Area Fund: The act of July 1, 1940, section 6, provides that all moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 7 of said act, shall be deposited into the Treasury as a trust fund to be appropriated and used to defray part of the expenses of maintaining and operating the Canal Zone Biological Area *(60 Stat. 1101; 20 U.S.C. 79, 79a)*	119,000
Endowment Challenge Fund: Interest income from the Endowment Challenge Fund is utilized for educational and administrative activities of the Woodrow Wilson International Center for Scholars	150,000

U.S. INFORMATION AGENCY

Miscellaneous trust funds:

Funds advanced by other governments, business concerns, and private organizations are used to send experts abroad to perform requested services; to give foreign nationals scientific, technical, or other training; to purchase films and other products owned or controlled by the USIA; to replace damaged or destroyed USIA property; and for international exhibitions *(22 U.S.C. 1431–1479; 70 Stat. 778)*. Funds contributed by private individuals and concerns, foreign governments, and international organizations are used for the purposes of the Mutual Educational and Cultural Exchange Act of 1961 and for carrying out other functions of the Agency *(22 U.S.C. 809a, 2455, and 2697)* $985,000

U.S. TAX COURT

Tax Court Judges Survivors Annuity Fund:

This fund, established under 26 U.S.C. 7448, effective October 4, 1961, is used to pay annuities to eligible widows and dependent children of deceased judges of the Tax Court of the United States. Participating judges pay into the fund 3 percent of their salaries or retired pay to cover creditable service for which payment is required and additional funds needed are transferred to the fund by the Tax Court from appropriations 343,000

Total, Independent agencies	*$13,416,000*
Grand total, trust funds	*452,264,988,000*

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1987 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1986	1987
Legislative:		
Library of Congress	$7,797,000	$8,751,000
Office of Technology Assessment	3,000	3,000
Total	7,800,000	8,754,000
The Judiciary	15,571,000	17,068,000
Executive:		
Funds appropriated to the President	12,815,626,000	12,615,635,000
Department of Agriculture:		
Office of the Secretary	147,000	101,000
Agricultural Research Service	2,000,000	2,000,000
Statistical Reporting Service	160,000	160,000
Office of International Cooperation and Development	3,257,000	3,352,000
Soil Conservation Service	560,000	560,000
Animal and Plant Health Inspection Service	4,735,000	4,735,000
Agricultural Marketing Service	78,378,000	78,378,000
Food Safety and Inspection Service	825,000	825,000
Forest Service	185,091,000	227,616,000
Total	275,153,000	317,727,000
Department of Commerce:		
General Administration	209,000	200,000
Economic and Statistical Analysis	35,000,000	36,639,000
Total	35,209 000	36,839,000
Department of Defense—Military	23,300,000	63,700,000
Department of Defense—Civil:		
Corps of Engineers—Civil	96,000,000	227,000,000
Military retirement	30,954,705,000	33,702,100,000
Education benefits	288,900,000	264,800,000
Soldiers' and Airmen's Home	5,000	5,000
Total	31,339,610,000	34,193,905,000
Department of Education: Office of Special Education and Rehabilitative Services	10,000	10,000
Department of Energy: Energy programs	125,044,000	86,450,000
Environmental Protection Agency	39,000	15,000
Department of Health and Human Services:		
Office of the Assistant Secretary for Health	8,124,000	8,124,000
Health Care Financing Administration	92,283,270,000	89,997,000,000
Social Security Administration	203,884,659,000	228,213,997,000
Total	296,176,053,000	318,219,121,000
Department of Housing and Urban Development: Management and Administration	5,000	5,000
Department of the Interior:		
Bureau of Land Management	600,000	600,000
Bureau of Reclamation	16,741,000	28,062,000

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1987 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1986	1987
Executive—Continued:		
Department of the Interior—Continued:		
U.S. Fish and Wildlife Service	$126,332,000	$165,630,000
National Park Service	13,205,000	8,833,000
Geological Survey	500,000	500,000
Bureau of Mines	500,000	500,000
Bureau of Indian Affairs	429,517,000	467,603,000
Total	587,395,000	671,728,000
Department of Labor:		
Employment and Training Administration	25,400,010,000	25,300,010,000
Employment Standards Administration	78,000,000	87,000,000
Total	25,478,010,000	25,387,010,000
Office of Personnel Management	41,870,135,000	43,256,795,000
Railroad Retirement Board	10,017,000,000	9,739,000,000
Department of State: Administration of Foreign Affairs	760,548,000	789,117,000
Department of Transportation:		
Federal Highway Administration	15,358,485,000	4,104,981,000
National Highway Traffic Safety Administration	132,000,000	
Urban Mass Transportation Administration	1,100,000,000	
Federal Aviation Administration	1,017,000,000	1,017,200,000
Coast Guard	80,000	80,000
Maritime Administration	400,000	400,000
Total	17,607,965,000	5,122,661,000
Department of the Treasury:		
Departmental Offices	200,000	250,000
Office of Revenue Sharing	4,185,000,000	
Financial Management Service	21,000	25,000
U.S. Customs Service	6,871,000	7,537,000
Total	4,192,092,000	7,812,000
Veterans Administration	1,835,120,000	1,718,220,000
Independent agencies:		
Advisory Commission on Intergovernmental Relations	170,000	170,000
Advisory Council on Historic Preservation	5,000	5,000
American Battle Monuments Commission	43,000	43,000
Appalachian Regional Commission	3,310,000	1,198,000
Harry S. Truman Scholarship Foundation	4,485,000	4,400,000
National Archives and Records Administration	604,000	284,000
National Foundation on the Arts and the Humanities	219,000	219,000
National Institute of Building Sciences	500,000	500,000
National Science Foundation	5,000,000	5,000,000
Pennsylvania Avenue Development Corporation	2,623,000	
Smithsonian Institution	143,000	269,000
U.S. Information Agency	1,835,000	985,000
U.S. Tax Court	332,000	343,000
Total, Independent Agencies	19,269,000	13,416,000
Grand total	443,180,954,000	452,264,988,000

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 99th CONG., 2D SESS.

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS		
Agriculture, rural development, and related agencies (pp. 47-48):[1]		
Agricultural programs	$22,286,452,000	
Rural development programs	6,105,777,000	
Domestic food programs	15,675,581,000	
International programs	1,171,715,000	
Related agencies	468,070,000	
General provisions	20,000,000	
Total		[1] $45,727,595,000
Departments of Commerce, Justice, and State, the Judiciary, and related agencies (pp. 49-50):[2]		
Department of Commerce *($29,000,000 current trust funds)*	2,108,836,000	
Rescissions	-9,676,000	
Department of Justice	4,133,590,000	
Department of State	2,585,697,000	
The Judiciary	1,155,092,000	
Related agencies *($1,408,000 current trust funds)*	2,376,246,000	
James Madison Memorial Fellowship	23,200,000	
Total *(net)*		[2] 12,372,985,000
Department of Defense (pp. 51-52):[3]		
Military personnel	72,737,378,000	
Operation and maintenance	78,050,372,000	
Procurement	84,875,632,000	
Research, development, test, and evaluation	35,804,214,000	
Special foreign currency program	3,500,000	
Revolving and management funds	650,672,000	
Chemical agents and munitions destruction, defense	118,700,000	
Related agencies	197,538,000	
General provisions	1,561,000,000	
Rescissions	-5,323,877,000	
Total *(net)*		[3] 268,675,129,000
District of Columbia (pp. 53-54):[4]		
Federal funds to the District of Columbia	580,380,000	
(District of Columbia funds, fiscal year 1987)	*(1,060,407,000)*	
(District of Columbia funds, fiscal year 1986 supplemental) (net)	*(155,127,000)*	
Total		[4] 580,380,000
Energy and water development (pp. 55-56):[5]		
Department of Defense—Civil	3,126,080,000	
Department of the Interior	867,647,000	
Department of Energy	10,404,917,000	
Independent agencies	608,633,000	
Total		[5] 15,007,277,000
Foreign assistance and related programs (pp. 57-58):[6]		
Multilateral Economic Assistance	1,186,591,927	
Bilateral Economic Assistance	6,269,212,500	
Military Assistance	4,996,441,284	
Export Assistance	920,000,000	
Total		[6] 13,372,245,711

See footnotes at end of table, p. 3050.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 99th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Department of Housing and Urban Development—Independent agencies (pp. 59-89):[7]		
Department of Housing and Urban Development	$13,314,140,300	
Rescission of contract authority *(indefinite)*	-253,100,000	
Independent agencies:		
American Battle Monuments Commission	11,673,000	
Consumer Product Safety Commission	34,100,000	
Cemeterial Expenses, Army	15,783,000	
Environmental Protection Agency *($1,411,300,000 current trust funds)*	4,755,092,000	
Rescission	-600,000,000	
Council on Environmental Quality and Office of Environmental Quality	800,000	
Office of Science and Technology Policy	1,900,000	
Federal Emergency Management Agency	576,000,000	
Consumer Information Center	1,272,000	
Office of Consumer Affairs	1,750,000	
National Aeronautics and Space Administration	8,000,000,000	
National Science Foundation	1,622,850,000	
Neighborhood Reinvestment Corporation	19,000,000	
Selective Service System	26,128,400	
Office of Revenue Sharing	5,560,000	
Veterans Administration	26,044,854,000	
Total *(net)*		[7] $53,577,802,700
Department of the Interior and related agencies (pp. 91-92):[8]		
Department of the Interior *($1,100,000 current trust funds)*	4,129,002,000	
Rescission	-3,200,000	
Related agencies:		
Forest Service *($90,000 current trust funds)*	1,665,845,000	
Department of Energy	935,350,000	
Department of Health and Human Services	907,364,000	
Department of Education	64,036,006	
Other related agencies	610,008,000	
Total *(net)*		[8] 8,308,405,000
Departments of Labor, Health and Human Services, and Education, and related agencies (pp. 93-125):[9]		
Department of Labor *($235,294,000 current trust funds)*	5,665,002,000	
Department of Health and Human Services	88,060,041,000	
Department of Education	19,235,641,000	
Related agencies *($50,263,000 current trust funds)*	986,954,000	
Total		[9] 113,947,638,000
Legislative branch (pp. 127-142):[10]		
Congressional Operations	1,106,889,214	
Other Agencies	530,401,000	
Total		[10] 1,637,290,214
Military construction (p. 143)[11]	8,677,674,000	
Rescissions	-86,900,000	
Total *(net)*		[11] 8,590,774,000
Department of Transportation and related agencies (pp. 145-172):[12]		
Department of Transportation *($1,597,452,000 current trust funds)*	9,699,404,500	
Rescission	-5,000,000	
Related agencies	558,968,569	
Total *(net)*		[12] 10,253,373,069

See footnotes at end of table, p. 3050.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 99th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Treasury, Postal Service, and general government (pp. 173–175):[13]		
Department of the Treasury	$6,217,905,000	
United States Postal Service	650,000,000	
Executive Office of the President	96,301,000	
Independent agencies	6,678,593,800	
Total		[13] $13,642,799,800
Total, regular annual appropriation acts *(net)*		[14] 565,693,694,494
SUPPLEMENTAL APPROPRIATION ACTS		
Urgent Supplemental, Department of Agriculture, 1986 (P.L. 99–243) (p. 1)	1,492,857,000	
Second Urgent Supplemental, Department of Agriculture, 1986 (P.L. 99–263) (pp. 3–4)	5,000,000,000	
Urgent Supplemental Appropriations Act, 1986 (P.L. 99–349) (pp. 5–45)	8,752,044,000	
Rescissions	−12,995,924,000	
Total, supplemental appropriations acts *(net)*		2,248,977,000
CONTINUING APPROPRIATIONS		
Fourth Further Continuing Appropriations, 1987 (P.L. 99–591):		
Agriculture, Rural Development and related agencies, 1987 (pp. 189–226)	[15] *(45,727,595,000)*	
Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1987 *(net)* (pp. 226–267)	[15] *(12,372,985,000)*	
Department of Defense, 1987 *(net)* (pp. 268–357)	[15] *(268,675,129,000)*	
District of Columbia, 1987 (pp. 357–370)	[15] *(580,380,000)*	
Energy and Water Development, 1987 (pp. 371–389)	[15] *(15,007,277,000)*	
Foreign assistance and related programs, 1987 (pp. 389–415)	[15] *(13,372,245,711)*	
Department of Housing and Urban Development—Independent agencies, 1987 *(net)* (p. 416)	[15] *(53,577,802,700)*	
National Aeronautics and Space Administration (p. 416)	2,434,000,000	
Department of the Interior and related agencies, 1987 *(net)* (pp. 416–458)	[15] *(8,308,405,000)*	
Departments of Labor, Health and Human Services, and Education, and related agencies, 1987 (p. 458)	[15] *(113,947,638,000)*	
Legislative Branch, 1987 (p. 458)	[15] *(1,637,290,214)*	
Military construction, 1987 *(net)* (pp. 458–466)	[15] *(8,590,774,000)*	
Department of Transportation and related agencies, 1987 *(net)* (p. 478)	[15] *(10,253,373,069)*	
Treasury, Postal Service and General Government, 1987 (pp. 478–512)	[15] *(13,642,799,800)*	
Department of Health and Human Services (p. 512)	361,633,000	
Department of Education (p. 513)	7,177,000	
Department of Commerce (p. 513)	9,500,000	
Omnibus Drug Supplemental:		
Department of Justice (pp. 523–524)	539,500,000	
The Judiciary (p. 524)	37,500,000	
United States Information Agency (p. 524)	2,000,000	
Foreign Assistance (p. 525)	56,000,000	
Department of the Interior (pp. 525–526)	23,500,000	
Department of Health and Human Services (p. 526)	21,700,000	
Department of Labor (p. 526)	3,000,000	
Department of Health and Human Services (p. 526)	262,000,000	
Department of Education (p. 526)	200,000,000	
ACTION (p. 527)	3,000,000	
Department of Transportation (p. 527)	128,000,000	
Department of the Treasury (pp. 527–528)	160,051,000	
Executive Office of the President (p. 528)	5,000,000	
Department of Defense (p. 528)	300,000,000	
Aviation Safety (p. 542)	2,000,000	
Total, continuing appropriations		4,555,561,000

See footnotes at end of table, p. 3050.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 99th CONG., 2D SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
MISCELLANEOUS LAWS CARRYING APPROPRIATIONS		
Legislative acts (pp. 3163-3166)	[16] $3,296,000,000	
Federal funds	(1,642,000,000)	
Trust funds	(1,654,000,000)	
Private appropriation acts (p. 3015)	88,525	
Total appropriations in miscellaneous laws		$3,296,088,525
Grand total, regular annual, supplemental, continuing and other acts *(net)*		575,794,321,019
Consisting of—		
New budget *(obligational)* authority	(595,071,998,019)	
Rescissions of unobligated balanaces	(−19,277,677,000)	
PERMANENT FEDERAL FUNDS AND TRUST FUNDS		
Federal funds:		
Interest on public debt (p. 3028)	202,764,380,000	
Other (pp. 3017-3032)	61,904,649,000	
Total, Federal funds	264,669,029,000	
Trust funds:		
Social Security Administration (p. 3037)	228,213,997,000	
Other (pp. 3033-3046)	224,050,991,000	
Total, Trust funds	452,264,988,000	
Total, permanent Federal funds and Trust funds		716,934,017,000
Grand total, all funds *(net)*		1,292,728,338,019
Fiscal year 1986 *(net)*	8,190,977,000	
Fiscal year 1987 *(net)*	1,271,233,096,019	
Fiscal year 1988	12,852,265,000	
Fiscal year 1989	452,000,000	
RECAPITULATION AND RECONCILIATION		
Federal funds		835,483,443,019
Trust funds		[17] 457,244,895,000
Adjustment for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes", p. IV)		−194,691,075,000
Net total new budget *(obligational)* authority for session		1,098,037,263,019

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[1] Funding for programs and activities normally included in this bill is provided under Sec. 101(a) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 189-226, this volume).

[2] Funding for programs and activities normally included in this bill is provided under Sec. 101(b) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 226-267, this volume).

[3] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 268-357, this volume).

[4] Funding for programs and activities normally included in this bill is provided under Sec. 101(d) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 357-370, this volume).

[5] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 371-389, this volume).

[6] Funding for programs and activities normally included in this bill is provided under Sec. 101(f) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 389-415, this volume).

[7] Funding for programs and activities normally included in this bill is provided under Sec. 101(g) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see p. 416, this volume).

[8] Funding for programs and activities normally included in this bill is provided under Sec. 101(h) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 416-458, this volume).

[9] Funding for programs and activities normally included in this bill is provided under Sec. 101(i) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see p. 458, this volume).

[10] Funding for programs and activities normally included in this bill is provided under Sec. 101(j) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see p. 458, this volume).

[11] Funding for programs and activities normally included in this bill is provided under Sec. 101(k) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 458-466, this volume).

[12] Funding for programs and activities normally included in this bill is provided under Sec. 101(l) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see p. 478, this volume).

[13] Funding for programs and activities normally included in this bill is provided under Sec. 101(m) of Public Law 99-591, Fourth Further Continuing Appropriations, 1987 (see pp. 478-512, this volume).

[14] Funding for all thirteen of the regular annual appropriation bills, which were not passed by the Congress, is provided through Public Law 99-591, Fourth Further Continuing Appropriations, 1987.

[15] For informational purposes only. Amount included in total for "regular annual appropriations acts (net)" earlier in table.

[16] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975, be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[17] Consists of $3,325,907,000 in "current" trust funds; $1,654,000,000 in trust funds from Legislative Acts; and $452,264,988,000 in "permanent" trust funds.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1986 AND 1987

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1986—99th Cong., 1st sess. 99th Cong., 2d sess.	Fiscal year 1987—99th Cong., 2d sess.	Increase (+) or decrease (−), 1987 compared with 1986
Department of Agriculture:			
Regular annual, supplemental and continuing acts:			
Agricultural programs	$27,478,861,000	$22,286,452,000	−$5,192,409,000
Rural development programs	5,131,589,000	6,125,777,000	+994,188,000
Domestic food programs	15,541,041,000	15,675,581,000	+134,540,000
International programs	1,398,964,000	1,171,715,000	−227,249,000
Forest Service	1,658,967,000	1,665,845,000	+6,878,000
Total, regular annual, supplemental and continuing acts	51,209,422,000	46,925,370,000	−4,284,052,000
Legislative acts: Federal funds [1]	[1] 2,026,000,000	[1] 1,504,000,000	−522,000,000
Permanent appropriations:			
Federal funds	17,140,282,000	[2] 6,722,096,000	−10,418,186,000
(Authority to borrow)	*(7,786,596,000)*	*(2,507,002,000)*	*(−5,279,594,000)*
(Contract authority)	*(5,210,193,000)*		*(−5,210,193,000)*
Trust funds	275,153,000	317,727,000	+42,574,000
Total, Department of Agriculture	70,650,857,000	55,469,193,000	−15,181,664,000
Department of Commerce:			
Regular annual, supplemental and continuing acts	2,164,096,747	2,118,336,000	−45,760,747
Rescission		−9,676,000	−9,676,000
Total, regular annual, supplemental and continuing acts *(net)*	2,164,096,747	2,108,660,000	−55,436,747
Legislative acts: Federal funds [1]		[1] 2,000,000	+2,000,000
Permanent appropriations:			
Federal funds	43,707,000	46,000,000	+2,293,000
Trust funds	35,209,000	36,839,000	+1,630,000
Total, Department of Commerce *(net)*	2,243,012,747	2,193,499,000	−49,513,747
Department of Defense—Civil:			
Regular annual, supplemental and continuing acts	2,910,056,442	3,192,126,000	+282,069,558
Permanent appropriations:			
Federal funds	10,511,897,000	11,211,355,000	+699,458,000
Trust funds	31,339,610,000	34,193,905,000	+2,854,295,000
Total, Department of Defense—Civil	44,761,563,442	48,597,386,000	+3,835,822,558
Department of Defense—Military:			
Regular annual, supplemental and continuing acts:			
Army	75,006,521,000	74,273,101,000	−733,420,000
Rescission	−34,400,000	−740,485,000	−706,085,000
Navy	98,039,434,000	94,814,509,000	−3,224,925,000
Rescission	−40,100,000	−2,434,381,000	−2,394,281,000
Air Force	98,455,959,000	93,279,952,000	−5,176,007,000
Rescission	−40,000,000	−2,187,311,000	−2,147,311,000
Department of Defense	18,142,337,000	19,976,580,000	+1,834,243,000
Rescission	−108,000,000	−48,600,000	+59,400,000
Total, regular annual, supplemental and continuing acts *(net)*	289,421,751,000	276,933,365,000	−12,488,386,000

See footnotes at end of table, p. 3057.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1986 AND 1987—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1986—99th Cong., 1st sess. 99th Cong., 2d sess.	Fiscal year 1987—99th Cong., 2d sess.	Increase (+) or decrease (−), 1987 compared with 1986
Department of Defense—Military—Continued:			
Legislative acts: Trust funds [1]		[1] −$186,000,000	−$186,000,000
Permanent appropriations:			
Federal funds	$501,260,000	8,000,900	−493,260,000
(Authority to borrow)	*(501,260,000)*	*(8,000,000)*	*(−493,260,000)*
Trust funds	23,300,000	63,700,000	+40,400,000
(Contract authority)		*(39,800,000)*	*(+39,800,000)*
Total, Department of Defense—Military *(net)*	289,946,311,000	276,819,065,000	−13,127,246,000
District of Columbia—Federal funds:			
Regular annual and continuing acts	546,780,000	560,380,000	+13,600,000
Appropriated during 99th Cong., 1st sess. for fiscal year 1987		20,000,000	+20,000,000
Total, District of Columbia—Federal funds	546,780,000	580,380,000	+33,600,000
District of Columbia—Payable from District revenues:			
(Regular annual and continuing acts)	*(2,894,270,000)*	*(3,060,407,000)*	*(+166,137,000)*
(Rescission)	*(−35,456,000)*		*(+35,456,060)*
Total, District of Columbia—Payable from District revenues *(net)*	*(2,858,814,000)*	*(3,060,407,000)*	*(+201,593,000)*
Department of Education:			
Regular annual, supplemental and continuing acts	18,610,272,000	19,506,854,000	+896,582,000
Permanent appropriations:			
Federal funds	7,148,000	7,148,000	
Trust funds	10,000	10,000	
Total, Department of Education	18,617,430,000	19,514,012,000	+896,582,000
Department of Energy:			
Regular annual, supplemental and continuing acts	11,983,282,000	11,340,267,000	−643,015,000
Legislative acts: Federal funds [1]		[1] 200,000,000	+200,000,000
Permanent appropriations:			
Federal funds	346,460,000	280,133,000	−66,327,000
(Authority to borrow)	*(330,000,000)*	*(276,100,000)*	*(−53,900,000)*
Trust funds	125,044,000	86,450,000	−38,594,000
Total, Department of Energy	12,454,786,000	11,906,850,000	−547,936,000
Environmental Protection Agency:			
Regular annual and continuing acts	4,790,176,000	4,755,092,000	−35,084,000
Rescission		−600,000,000	−600,000,000
Total, regular annual and continuing acts *(net)*	4,790,176,000	4,155,092,000	−635,084,000
Permanent appropriations: Trust funds	39,000	15,000	−24,000
Total, Environmental Protection Agency *(net)*	4,790,215,000	4,155,107,000	−635,108,000
Foreign Assistance:			
Regular annual, supplemental and continuing acts	14,771,440,945	12,939,104,711	−1,832,336,234
Permanent appropriations:			
Federal funds	950,451,000	473,315,000	−477,136,000
(Authority to borrow)	*(950,451,000)*	*(473,315,000)*	*(−477,136,000)*
Trust funds	12,815,626,000	12,615,635,000	−199,991,000
(Contract authority)	*(12,800,000,000)*	*(12,600,000,000)*	*(−200,000,000)*
Total, Foreign Assistance	28,537,517,945	26,028,054,711	−2,509,463,234
General Government:			
Regular annual, supplemental and continuing acts	6,849,826,722	6,746,778,969	−103,047,753
Appropriated during 98th Cong., 1st sess. and 2d sess. for fiscal year 1986	[3] *(159,500,000)*		*(−159,500,000)*

See footnotes at end of table, p. 3057.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1986 AND 1987—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1986—99th Cong., 1st sess. 99th Cong., 2d sess.	Fiscal year 1987—99th Cong., 2d sess.	Increase (+) or decrease (−), 1987 compared with 1986
General Government—Continued:			
Appropriated during 98th Cong., 2d sess. for fiscal year 1987		[3] *($200,000,000)*	*(+$200,000,000)*
Legislative acts:			
Federal funds [1]		[1] −440,000,000	−440,000,000
Trust funds [1]		[1] 1,231,000,000	+1,231,000,000
Permanent appropriations:			
Federal funds	$1,046,824,000	952,101,000	−94,723,000
(Authority to borrow)	*(864,267,000)*	*(743,401,000)*	*(−120,866,000)*
(Contract authority)	*(23,057,000)*		*(−23,057,000)*
Trust funds	19,269,000	13,416,000	−5,853,000
Total, General Government	7,915,919,722	8,503,295,969	+587,376,247
General Services Administration:			
Regular annual, supplemental and continuing acts	406,207,261	376,892,800	−29,314,461
Permanent appropriations: Federal funds	8,868,000	8,868,000	
Total, General Services Administration	415,075,261	385,760,800	−29,314,461
Department of Health and Human Services:			
Regular annual, supplemental and continuing acts:			
Food and Drug Administration	430,967,000	438,309,000	+7,342,000
Health Resources and Services Administration	2,403,293,000	2,419,827,000	+16,534,000
Center for Disease Control	471,861,000	539,067,000	+67,206,000
National Institutes of Health	5,504,454,000	6,180,660,000	+676,206,000
Alcohol, Drug Abuse and Mental Health Administration	1,012,556,000	1,360,718,000	+348,162,000
Assistant Secretary for Health	185,345,000	203,408,000	+18,063,000
Health Care Financing Administration	36,861,533,000	40,681,396,000	+3,819,863,000
Social Security Administration	17,427,211,000	19,234,724,000	+1,807,513,000
Human Development Services Administration	6,084,959,000	6,219,553,000	+134,594,000
Departmental Management	206,656,000	177,070,000	−29,586,000
Total, regular annual, supplemental and continuing acts	70,588,835,000	77,454,732,000	+6,865,897,000
Appropriated during 98th Cong., 2d sess. for fiscal year 1986	[3] *(10,850,769,000)*		*(−10,850,769,000)*
Appropriated during 99th Cong., 1st sess. for fiscal year 1987		[3] *(11,473,754,000)*	*(+11,473,754,000)*
Legislative acts: Trust funds [1]	[1] −182,000,000	[1] 538,000,000	+720,000,000
Permanent appropriations:			
Federal funds	16,673,919,000	17,761,204,000	+1,087,285,000
(Authority to borrow)	*(700,000)*		*(−700,000)*
Trust funds	296,176,053,000	318,219,121,000	+22,043,068,000
Total, Department of Health and Human Services	383,256,807,000	413,973,057,000	+30,716,250,000
Department of Housing and Urban Development:			
Regular annual, supplemental and continuing acts	15,694,480,881	13,314,140,300	−2,380,340,581
Rescission	−7,607,504,000	−6,295,100,000	+1,312,404,000
Total, regular annual, supplemental and continuing acts *(net)*	8,086,976,881	7,019,040,300	−1,067,936,581
Legislative acts: Federal funds [1]		[1] 183,000,000	+183,000,000
Permanent appropriations:			
Federal funds	1,401,025,000	1,580,178,000	+179,153,000
(Authority to borrow)	*(1,394,193,000)*	*(1,572,746,000)*	*(+178,553,000)*
Trust funds	5,000	5,000	
Total, Department of Housing and Urban Development *(net)*	9,488,006,881	8,782,223,300	−705,783,581

See footnotes at end of table, p. 3057.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1986 AND 1987—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1986—99th Cong., 1st sess. 99th Cong., 2d sess.	Fiscal year 1987—99th Cong., 2d sess.	Increase (+) or decrease (−), 1987 compared with 1986
Department of the Interior:			
Regular annual, supplemental and continuing acts:			
Bureau of Reclamation	$777,915,000	$867,647,000	+$89,732,000
Bureau of Land Management	574,149,000	666,702,000	+92,553,000
Rescission		−3,200,000	−3,200,000
United States Fish and Wildlife Service	383,903,000	396,275,000	+12,372,000
National Park Service	893,480,000	819,902,000	−73,578,000
Rescission	−28,710,000		+28,710,000
Geological Survey	430,769,000	418,665,000	−12,104,000
Minerals Management Service	167,210,000	160,697,000	−6,513,000
Bureau of Mines	133,449,000	138,162,000	+4,713,000
Office of Surface Mining Reclamation and Enforcement	291,283,000	303,723,000	+12,440,000
Rescission	−210,000		+210,000
Bureau of Indian Affairs	1,038,107,000	1,019,835,000	−18,272,000
Territorial and International Affairs	370,624,000	147,861,000	−222,763,000
Departmental Offices	81,293,000	80,680,000	−613,000
Total, regular annual, supplementai and continuing acts *(net)*	5,113,262,000	5,016,949,000	−96,313,000
Appropriated during 98th Cong., 2d sess. for fiscal year 1986	[3] *(4,900,000)*		*(−4,900,000)*
Legislative acts: Federal funds [1]	[1] 87,000,000	[1] 214,000,000	+127,000,000
Permanent appropriations:			
Federal funds	921,105,000	1,050,587,000	+129,482,000
(Authority to borrow)	*(1,300,000)*	*(1,300,000)*	
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
Trust funds	587,395,000	671,728,000	+84,333,000
Total, Department of the Interior *(net)*	6,708,762,000	6,953,264,000	+244,502,000
The Judiciary:			
Regular annual, supplemental and continuing acts	1,072,171,000	1,186,792,000	+114,621,000
Legislative acts: Trust funds [1]		[1] 2,000,000	+2,000,000
Permanent appropriations: Trust funds	15,571,000	17,068,000	+1,497,000
Total, The Judiciary	1,087,742,000	1,205,860,000	+118,118,000
Department of Justice:			
Regular annual, supplemental and continuing acts	3,995,445,000	4,673,090,000	+677,645,000
Rescission	−10,000,000		+10,000,000
Total, regular annual, supplemental and continuing acts *(net)*	3,985,445,000	4,673,090,000	+687,645,000
Legislative acts: Federal funds [1]		[1] 10,000,000	+10,000,000
Permanent appropriations: Federal funds	100,000,000	100,000,000	
Total, Department of Justice *(net)*	4,085,445,000	4,783,090,000	+697,645,000
Department of Labor:			
Regular annual and continuing acts	6,542,745,000	5,668,002,000	−874,743,000
Permanent appropriations: Trust funds	25,478,010,000	25,387,010,000	−91,000,000
Total, Department of Labor	32,020,755,000	31,055,012,000	−965,743,000
Legislative Branch:			
Regular annual, supplemental and continuing acts	1,625,075,800	1,637,290,214	+12,214,414
Permanent appropriations:			
Federal funds	159,420,000	159,975,000	+555,000
Trust funds	7,800,000	8,754,000	+954,000
Total, Legislative Branch	1,792,295,800	1,806,019,214	+13,723,414

See footnotes at end of table, p. 3057.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1986 AND 1987—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1986—99th Cong., 1st sess. 99th Cong., 2d sess.	Fiscal year 1987—99th Cong., 2d sess.	Increase (+) or decrease (−), 1987 compared with 1986
National Aeronautics and Space Administration:			
Regular annual, supplemental and continuing acts	$8,087,000,000	$10,534,000,000	+$2,447,000,000
Office of Personnel Management:			
Regular annual and continuing acts	6,113,495,000	6,120,250,000	+6,755,000
Legislative acts:			
Federal funds [1]		[1] −470,000,000	−470,000,000
Trust funds [1]		[1] 5,000,006	+5,000,000
Permanent appropriations:			
Federal funds	11,937,172,000	11,859,650,000	−77,522,000
Trust funds	41,870,135,000	43,256,795,000	+1,386,660,000
Total, Office of Personnel Management	59,920,802,000	60,771,695,000	+850,893,000
Postal Service:			
Regular annual and continuing acts	748,000,000	650,000,000	−98,000,000
Legislative acts: Federal funds [1]		[1] 390,000,000	+390,000,000
Permanent appropriations:			
Federal funds	3,308,984,000	2,697,709,000	−611,275,000
(Authority to borrow)	*(3,308,984,000)*	*(2,697,709,000)*	*(−611,275,000)*
Total, Postal Service	4,056,984,000	3,737,709,000	−319,275,000
Railroad Retirement Board:			
Regular annual and continuing acts	394,200,000	383,100,000	−11,100,000
Permanent appropriations:			
Federal funds	3,313,000,000	2,639,000,000	−674,000,000
Trust funds	10,017,000,000	9,739,000,000	−278,000,000
Total, Railroad Retirement Board	13,724,200,000	12,761,100,000	−963,100,000
Small Business Administration: [4]			
Regular annual and continuing acts	385,500,000	481,742,000	+96,242,000
Permanent appropriations:			
Federal funds	525,000,000	315,000,000	−210,000,000
(Authority to borrow)	*(525,000,000)*	*(315,000,000)*	*(−210,000,000)*
Total, Small Business Administration	910,500,000	796,742,000	−113,758,000
Department of State:			
Regular annual, supplemental and continuing acts	3,592,069,000	3,074,838,000	−517,231,000
Permanent appropriations:			
Federal funds	216,545,000	198,445,000	−18,100,000
Trust funds	760,548,000	789,117,000	+28,569,000
Total, Department of State	4,569,162,000	4,062,400,000	−506,762,000
Department of Transportation:			
Regular annual, supplemental and continuing acts:			
Office of the Secretary	82,800,000	84,349,000	+1,549,000
Coast Guard	2,336,302,000	2,542,400,000	+206,098,000
Federal Aviation Administration	4,063,100,000	3,807,084,000	−256,016,000
Federal Highway Administration	79,400,000	122,421,000	+43,021,000
National Highway Traffic Safety Administration	83,851,000	89,222,000	+5,371,000
Rescission		−5,000,000	−5,000,000
Federal Railroad Administration	702,184,000	683,259,000	−18,925,000
Urban Mass Transportation Administration	2,624,400,000	2,449,519,500	−174,880,500
Saint Lawrence Seaway Development Corporation		2,000,000	+2,000,000
Research and Special Programs Administration	19,300,000	19,950,000	+650,000
Office of the Inspector General	27,600,000	27,200,000	−400,000
Maritime Administration	79,600,000	67,500,000	−12,100,000
Total, regular annual, supplemental and continuing acts *(net)*	10,098,537,000	9,889,904,500	−208,632,500

See footnotes at end of table, p. 3057.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1986 AND 1987—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1986—99th Cong., 1st sess. 99th Cong., 2d sess.	Fiscal year 1987—99th Cong., 2d sess.	Increase (+) or decrease (−), 1987 compared with 1986
Department of Transportation—Continued:			
Legislative acts:			
Federal funds [1]		[1] −$12,000,000	−$12,000,000
Trust funds [1]		[1] 64,000,000	+64,000,000
Permanent appropriations:			
Federal funds	$308,100,000	330,800,000	+22,700,000
(Authority to borrow)	*(1,600,000)*	*(3,800,000)*	*(+2,200,000)*
(Contract authority)	*(299,500,000)*	*(320,000,000)*	*(+20,500,000)*
Trust funds	17,607,965,000	5,122,661,000	−12,485,304,000
(Contract authority)	*(17,603,163,000)*	*(5,117,200,000)*	*(−12,485,963,000)*
Total, Department of Transportation *(net)*	28,014,602,000	15,395,365,500	−12,619,236,500
Department of the Treasury:			
Regular annual, supplemental and continuing acts	10,057,123,200	6,383,516,000	−3,673,607,200
Rescission	−6,900,000,000		+6,900,000,000
Total, regular annual, supplemental and continuing acts *(net)*	3,157,123,200	6,383,516,000	+3,226,392,800
Legislative acts: Federal funds [1]	[1] 145,000,000	[1] 61,000,000	−84,000,000
Private appropriation acts		88,525	+88,525
Permanent appropriations:			
Federal funds	195,389,312,000	206,267,465,000	+10,878,153,000
Trust funds	4,192,092,000	7,812,000	−4,184,280,000
Total, Department of the Treasury *(net)*	202,883,527,200	212,719,881,525	+9,836,354,325
Veterans Administration:			
Regular annual, supplemental and continuing acts	26,464,426,553	26,044,854,000	−419,572,553
Permanent appropriations: Trust funds	1,835,120,000	1,718,220,000	−116,900,000
Total, Veterans Administration	28,299,546,553	27,763,074,000	−536,472,553
Grand Total:			
Regular annual, supplemental and continuing acts	574,487,096,551	563,326,743,494	−11,160,353,057
Rescissions	−14,768,924,000	−12,323,753,000	+2,445,171,000
Appropriated in fiscal 1986 for fiscal year 1987		20,000,000	+20,000,000
Appropriated in fiscal 1984 and fiscal 1985 for fiscal year 1986	[3] *(11,015,169,000)*		*(−11,015,169,000)*
Appropriated in fiscal 1985 and fiscal 1986 for fiscal year 1987		[3] *(11,673,754,000)*	*(+11,673,754,000)*
Private appropriation acts		88,525	+88,525
Legislative acts:			
Federal funds [1]	[1] 2,258,000,000	[1] 1,642,000,000	−616,000,000
Trust funds [1]	[1] −182,000,000	[1] 1,654,000,000	+1,836,000,000
Permanent appropriations:			
Federal Funds	264,810,479,000	264,669,029,000	−141,450,000
(Authority to borrow)	*(15,664,351,000)*	*(8,598,373,000)*	*(−7,065,978,000)*
(Contract authority)	*(5,562,750,000)*	*(350,000,000)*	*(−5,212,750,000)*
Trust funds	443,180,954,000	452,264,988,000	+9,084,034,000
(Contract authority)	*(30,403,163,000)*	*(17,757,000,000)*	*(−12,646,163,000)*
Net total	1,269,785,605,551	1,271,253,096,019	+1,467,490,468
Adjustments for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes", p. IV)	−191,848,927,000	−194,691,075,000	−2,842,148,000
Appropriated in fiscal 1986 for fiscal year 1987		−20,000,000	−20,000,000
Appropriated in fiscal 1984 and fiscal 1985 for fiscal year 1986	[3] *(−11,015,169,000)*		*(+11,015,169,000)*
Appropriated in fiscal 1985 and fiscal 1986 for fiscal year 1987		[3] *(−11,673,754,000)*	*(−11,673,754,000)*
Net total	1,077,936,678,551	1,076,542,021,019	−1,394,657,532

See footnotes on next page.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1986 AND 1987—Continued

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[1] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975, be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[2] Excludes $15,536,817,000 for the Commodity Credit Corporation shown in President's budget as "permanent Federal funds" but reflected in this document as part of a "direct appropriation" of $19,808,806,000 (see pp. 201 and 3094, this volume).

[3] Included under "Permanent appropriations, Federal funds."

[4] Shown under "General Government" in previous volumes.

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS		*1986*		*1986*	
Agriculture, rural development, and related agencies:[1]					
Agricultural programs	$19,057,638,000	July 16 (99-686)	$19,245,118,000	July 24	$19,245,418,000
Rural development programs	6,759,916,000	do	6,057,325,000	do	6,057,325,000
Domestic food programs	14,510,231,000	do	14,910,403,000	do	14,910,403,000
International programs	1,239,333,000	do	1,267,340,000	do	1,267,340,000
Related agencies	454,018,000	do	466,207,000	do	466,207,000
General provisions					
Total	42,021,136,000		41,946,393,000		41,946,693,000
Departments of Commerce, Justice, and State, the Judiciary, and related agencies:[2]					
Department of Commerce	1,741,327,000	July 15 (99-669)	2,177,830,000	July 17	2,177,830,000
Rescissions					
Department of Justice	4,204,705,000	do	4,246,196,000	do	4,246,196,000
Department of State	3,920,195,000	do	2,846,048,000	do	2,828,478,000
The Judiciary	1,227,183,000	do	1,173,800,000	do	1,173,800,000
Related agencies	4,864,326,000	do	2,434,089,000	do	2,434,089,000
(Appropriations to liquidate contract authorizations)	*(320,000,000)*	do	*(320,000,000)*	do	*(320,000,000)*
General provisions				do	-548,773,000
James Madison Memorial Fellowship					
Total *(net)*	15,957,736,000		12,877,963,000		12,311,620,000
Department of Defense:[3]					
Military personnel	74,202,900,000	Aug. 14 (99-793)	72,404,112,000		
Operation and maintenance	85,773,000,000	do	78,109,862,000		
Procurement	95,656,700,000	do	79,455,530,000		
Transfer from other accounts		do	*(2,520,027,000)*		
Research, development, test, and evaluation	41,929,900,000	do	33,956,074,000		
Transfer from other accounts		do	*(144,573,000)*		
Special foreign currency program	3,500,000	do	3,500,000		
Revolving and management funds	1,197,300,000	do	908,300,000		
Chemical Agents and Munitions Destruction, Defense	120,100,000	do	120,100,000		
Related agencies	148,738,000	do	147,338,000		
General provisions					
Rescissions					
(Transfer authority)	*(1,200,000,000)*	do	*(1,200,000,000)*		
Total *(net)*	299,032,138,000		265,104,816,000		
Transfer from other accounts			*(2,664,600,000)*		
District of Columbia:[4]					
Federal funds to the District of Columbia	560,380,000	July 15 (99-675)	540,880,000	July 24	530,027,000
(District of Columbia funds, fiscal year 1987)	*(2,989,598,000)*	do	*(2,989,598,000)*	do	*(2,989,598,000)*
(District of Columbia funds, fiscal year 1986 supplemental)					
Energy and water development:[5]					
Department of Defense—Civil	3,069,500,000	July 15 (99-670)	3,226,052,000	July 23	3,226,052,000
Department of the Interior	851,200,000	do	863,930,000	do	863,930,000
Department of Energy	11,483,101,000	do	10,847,046,000	do	10,847,046,000
Independent agencies	463,842,000	do	610,972,000	do	610,972,000
Total	15,867,643,000		15,548,000,000		15,548,000,000

See footnotes at end of table, pp. 3066-3067.

SUPPLEMENTAL APPROPRIATION BILLS, 99TH CONG., 2D SESS.

2d sess., differs to some extent from previous tabulations. (See explanation, par. 7, "Compilers' Notes", p. III.)]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1986		*1986*		*1986*			
$2,248,832,000	Sept. 11 (99-438)	$2,546,703,000				$22,286,452,000	H.R. 5177	(1)
6,911,784,000	do	7,426,776,000				6,105,777,000		
14,510,231,000	do	15,668,563,000				15,675,581,000		
1,239,333,000	do	1,072,164,000				1,171,715,000		
459,643,000	do	468,727,000				468,070,000		
						20,000,000		
25,369,823,000		27,182,933,000				45,727,595,000		
1,741,327,000	Sept. 3 (99-425)	2,038,705,000				2,108,836,000	H.R. 5161	(2)
	do	-8,100,000				-3,676,000		
4,204,705,000	do	4,174,091,000				4,133,590,000		
3,920,195,000	do	2,291,897,000				2,585,697,000		
1,227,183,000	do	1,171,202,000				1,155,092,000		
4,865,205,000	do	2,265,525,000				2,376,246,000		
(320,000,000)	do	*(320,000,000)*				*(320,000,000)*		
						23,200,000		
15,958,615,000		11,933,320,000				12,372,985,000		
74,202,900,000	Sept. 17 (99-446)	72,678,798,000				72,737,378,000	H.R. 5438 S. 2827	(3)
85,773,000,000	do	77,923,000,000				78,050,372,000		
95,656,700,000	do	84,897,136,000				84,875,632,000		
	do	*(584,500,000)*						
41,929,900,000	do	36,391,125,000				35,804,214,000		
3,500,000	do	3,500,000				3,500,000		
1,197,300,000	do	2,960,000,000				650,672,000		
120,100,000	do	118,700,000				118,700,000		
148,738,000	do	188,138,000				197,538,000		
3,250,000,000	do	1,911,000,000				1,561,000,000		
	do	*(−4,615,874,000)*				−5,323,877,000		
(1,200,000,000)	do	*(950,000,000)*				*(1,100,000,000)*		
302,282,138,000		277,071,397,000				268,675,129,000		
		(584,500,000)						
560,380,000	Aug. 5 (99-367)	560,380,000	Sept. 16	$560,380,000		580,380,000	H.R. 5175	(4)
(2,989,598,000)	do	*(3,009,098,000)*	do	*(3,009,098,000)*		*(3,060,407,000)*		
(160,127,000)	do	*(160,127,000)*	do	*(160,127,000)*		*(155,127,000)*		
3,069,500,000	Sept. 15 (99-441)	2,992,287,000				3,126,080,000	H.R. 5162	(5)
851,200,000	do	850,068,000				867,647,000		
11,483,101,000	do	10,087,517,000				10,404,917,000		
466,342,000	do	599,383,000				608,633,000		
15,870,143,000		14,529,255,000				15,007,277,000		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 99th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS—Con.		*1986*		*1986*	
Foreign assistance and related programs [6]					
Multilateral Economic Assistance	$1,578,002,125	Aug. 5 (99-747)	$1,260,444,000		
Bilateral Economic Assistance	6,852,252,000	do	5,820,873,000		
Military Assistance	6,726,280,000	do	4,987,523,284		
Export Assistance	318,900,000	do	916,331,000		
Total	15,474,534,125		12,985,171,284		
Department of Housing and Urban Development—Independent agencies [7]					
Department of Housing and Urban Development	3,674,418,000	July 31 (99-731)	13,589,845,300	Sept. 12	$13,589,845,300
Rescission of contract authority *(indefinite)*	−318,362,000	do	−318,362,000	do	−318,362,000
Independent agencies	39,830,827,000	do	40,734,685,400	do	40,734,685,400
Rescission					
Corporations *(limitations on administrative expenses)*	*(33,659,000)*	do	*(29,159,000)*	do	*(29,159,000)*
Total *(net)*	43,186,883,000		54,006,168,700		54,006,168,700
Department of the Interior and related agencies [8]					
Department of the Interior	3,632,714,000	July 24 (99-714)	4,010,119,000	July 31	4,010,119,000
Rescission					
(Appropriations to liquidate contract authorizations)		do	*(12,500,000)*	do	*(12,500,000)*
Related agencies	2,984,261,000	do	4,237,073,000	do	4,180,027,000
Total *(net)*	6,616,975,000		8,247,192,000		8,190,146,000
Departments of Labor, Health and Human Services, and Education, and Related Agencies [9]					
Department of Labor	5,897,429,000	July 24 (99-711)	5,524,294,000	July 31	5,524,294,000
Department of Health and Human Services	79,336,916,000	do	84,001,567,000	do	84,001,567,000
Department of Education	11,911,099,000	do	13,369,231,000	do	13,380,231,000
Related agencies	599,321,000	do	814,924,000	do	814,924,000
Total	97,744,765,000		103,710,016,000		103,721,016,000
Legislative branch [10]					
Congressional operations	870,916,000	July 17 (99-693)	774,838,100	July 29	774,838,100
Other agencies	613,303,000	do	530,426,000	do	530,426,000
Total	1,484,219,000		1,305,264,100		1,305,264,100
Military construction [11]	10,520,200,000	June 19 (99-648)	8,539,101,000	June 25	8,390,801,000
Rescissions					
Total *(net)*	10,520,200,000		8,539,101,000		8,390,801,000
Department of Transportation and related agencies [12]					
Department of Transportation	6,453,896,000	July 18 (99-696)	9,779,652,000	July 30	9,779,652,000
Rescission		do	−55,000,000	do	−55,000,000
(Appropriations to liquidate contract authorizations)	*(15,195,625,000)*	do	*(14,953,000,000)*	do	*(14,953,000,000)*
Related agencies	560,618,569	do	560,248,569	do	560,248,569
Total *(net)*	7,014,514,569		10,284,900,569		10,284,900,569

See footnotes at end of table, pp. 3066-3067.

SUPPLEMENTAL APPROPRIATION BILLS, 99TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 7, "Compilers' Notes", p. III).]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1986		*1986*		*1986*			
$1,578,002,125	Sept. 16 (99-443)	$1,043,657,676				$1,186,591,927	H.R. 5339 S. 2824	(6)
6,852,252,000	do	6,560,783,000				6,269,212,500		
6,726,280,000	do	4,987,523,284				4,996,441,284		
318,000,000	do	458,000,000				920,000,000		
15,474,534,125		13,049,963,960				13,372,245,711		
6,703,582,000	Sept. 25 (99-487)	12,926,553,800	Oct. 3	$12,926,553,800		13,314,140,300	H.R. 5313	(7)
-318,362,000	do	-54,000,000	do	-54,000,000		-253,100,000		
40,102,827,000	do	40,805,486,000	do	41,405,486,000		41,116,762,400		
			do	-600,000,000		-600,000,000		
(33,659,000)	do	*(29,159,000)*	do	*(29,159,000)*		*(29,159,000)*		
46,488,047,000		53,678,039,800		53,678,039,800		53,577,802,700		
3,632,514,000	Aug. 13 (99-397)	3,989,798,000	Sept. 16	4,004,040,000		4,129,002,000	H.R. 5234	(8)
						-3,200,000		
	do	*(10,000,000)*	do	*(10,000,000)*		*(12,500,000)*		
2,984,261,000	do	4,047,441,000	do	4,037,441,000		4,182,603,000		
6,616,775,000		8,037,239,000		8,041,481,000		8,308,405,000		
4,872,614,000	Aug. 15 (99-408)	5,758,198,000	Sept. 10	5,758,198,000		5,665,002,000	H.R. 5233	(9)
79,336,916,000	do	84,095,770,000	do	84,145,034,000		88,060,041,000		
11,986,099,000	do	13,047,871,000	do	13,104,805,000		19,235,641,000		
599,321,000	do	845,367,000	do	845,367,000		986,954,000		
96,794,950,000		103,747,206,000		103,853,404,000		113,947,638,000		
1,208,912,800	Aug. 7 (99-384)	1,112,701,214	Aug. 13	1,112,801,214		1,106,889,214	H.R. 5203	(10)
613,303,000	do	535,401,000	do	535,401,000		530,401,000		
1,822,215,800		1,648,102,214		1,648,202,214		1,637,290,214		
10,520,200,000	Aug. 5 (99-368)	8,224,081,000	Aug. 13	8,216,981,000		8,677,674,000	H.R. 5052	(11)
						-86,900,000		
10,520,200,000		8,224,081,000		8,216,981,000		8,590,774,000		
6,453,896,000	Aug. 19 (99-423)	9,671,048,000	Sept. 17	9,671,048,000		9,699,404,500	H.R. 5205	(12)
	do	-32,500,000	do	-32,500,000		-5,000,000		
(15,195,625,000)	do	*(15,259,000,000)*	do	*(15,259,000,000)*		*(15,259,000,000)*		
560,618,569	do	559,198,569	do	559,198,569		558,968,569		
7,014,514,569		10,197,746,569		10,197,746,569		10,253,373,069		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS—Con.		*1986*		*1986*	
Treasury, Postal Service, and General Government:[13]					
Department of the Treasury	$5,950,261,000	July 31 (99-723)	$6,236,721,000	Aug. 6	$6,236,721,000
United States Postal Service	40,049,000	do	690,049,000	do	690,049,000
Executive Office of the President	100,899,000	do	95,491,000	do	95,491,000
Independent agencies	6,765,021,000	do	6,772,176,000	do	6,772,118,000
General provisions				do	−142,662,000
Total	12,856,230,000		13,794,437,000		13,651,717,000
Total, regular annual appropriation acts *(net)*	568,337,353,694		548,890,302,653		269,886,353,369
(Appropriations to liquidate contract authorizations)	*(15,515,625,000)*		*(15,285,500,000)*		*(15,285,500,000)*
SUPPLEMENTAL APPROPRIATION ACTS					
Urgent Supplemental, Department of Agriculture, 1986				Feb. 6	1,492,857,000
Urgent Supplemental, Department of Agriculture, 1986				Feb. 26	5,000,000,000
Urgent Supplemental Appropriations Act, 1986:					
Appropriations, 1986	2,134,446,000	Mar. 25 (99-510)	1,735,154,000	May 8	1,708,905,000
Rescissions, 1986	−28,710,000	do	−29,420,000	do	−29,420,000
Advance appropriations, 1987					
Rescissions, 1987					
Total *(net)*	2,105,736,000		1,705,734,000		1,679,485,000
Total, supplemental appropriation acts *(net)*	2,105,736,000		1,705,734,000		8,172,342,000
CONTINUING APPROPRIATIONS					
Continuing Appropriations, 1987	*(2,568,769,000)*	Sept. 17 (99-831)	*(3,425,025,000)*		
Continuing Appropriations, 1987					
Further Continuing Appropriations, 1987					
Further Continuing Appropriations, 1987					
Further Continuing Appropriations, 1987					
Further Continuing Appropriations, 1987					
Further Continuing Appropriations, 1987:					
Agriculture, rural development, and related agencies[16]	*(42,021,136,000)*		*(41,946,693,000)*	Sept. 25	*(41,946,693,000)*
Departments of Commerce, Justice, and State, the Judiciary, and related agencies *(net)*[16]	*(15,957,736,000)*	do	*(12,311,620,000)*	do	*(12,311,620,000)*
Department of Defense *(net)*[16]	*(299,032,138,000)*	do	*(265,104,816,000)*	do	*(265,104,816,000)*
District of Columbia (Federal funds)[16]	*(560,380,000)*	do	*(530,027,000)*	do	*(530,027,000)*
(District of Columbia funds, fiscal year 1987)[16]	*(2,989,598,000)*	do	*(2,989,598,000)*	do	*(2,989,598,000)*
(District of Columbia funds, fiscal year 1986 supplemental)[16]					
Energy and Water Development[16]	*(15,867,643,000)*	do	*(15,548,000,000)*	do	*(15,548,000,000)*
Foreign assistance and related programs[16]	*(15,474,534,125)*	do	*(12,985,171,284)*	do	*(12,985,171,284)*
Department of Housing and Urban Development and independent agencies *(net)*[16]	*(43,186,883,000)*	do	*(54,106,168,700)*	do	*(54,106,168,700)*
National Aeronautics and Space Administration					
Department of the Interior and related agencies *(net)*[16]	*(6,616,975,000)*	do	*(8,190,146,000)*	do	*(8,190,146,000)*
Departments of Labor, Health and Human Services, and Education, and related agencies[16]	*(97,744,765,000)*	do	*(103,721,016,000)*	do	*(103,721,016,000)*
Legislative Branch[16]	*(1,822,215,800)*	do	*(1,635,190,214)*	do	*(1,635,190,214)*
Military Construction *(net)*[16]	*(10,137,200,000)*	do	*(8,390,801,000)*	do	*(8,390,801,000)*
Department of Transportation and related agencies *(net)*[16]	*(7,014,514,569)*	do	*(10,284,900,569)*	do	*(10,284,900,569)*
Treasury, Postal Service, and general government[16]	*(12,856,230,000)*	do	*(13,651,717,000)*	do	*(13,651,717,000)*

See footnotes at end of table, pp. 3066–3067.

SUPPLEMENTAL APPROPRIATION BILLS, 99TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 7, "Compilers' Notes", p. III).]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1986		*1986*		*1986*			
$5,950,261,000	Aug. 14 (99-406)	$5,883,530,000				$6,217,905,000	H.R. 5294	(13)
40,049,000	do	650,000,000				650,000,000		
100,899,000	do	95,726,000				96,301,000		
6,765,021,000	do	6,669,971,800				6,678,593,800		
12,856,230,000		13,299,227,800				13,642,799,800		
557,628,565,494		542,158,891,343		$186,196,234,583		565,693,694,494		
(15,515,625,000)		*(15,589,000,000)*		*(15,269,000,000)*		*(15,591,500,000)*		
			Feb. 6	1,492,857,000	Feb. 10	1,492,857,000	H.J.Res. 520	99-243
	Mar. 4	5,000,006,000	Mar. 5	5,000,000,000	Mar. 24	5,000,000,000	H.J. Res. 534	99-263
7,723,465,000	May 15 (99-301)	8,588,496,000	June 6	8,617,196,000	July 2	8,652,044,000	H.R. 4515	99-349
– 1,557,004,000	do	– 4,713,624,000	do	– 4,739,224,000	do	– 6,953,924,000		
					do	100,000,000		
					do	– 6,042,000,000		
6,166,461,000		3,874,872,000		3,877,972,000		– 4,243,880,000		
6,166,461,000		8,874,872,000		10,370,829,000		2,248,977,000		
							H.J. Res. 730	(14)
							H.J. Res. 743	99-434
							H.J. Res. 748	(15)
							H.J. Res. 750	99-464
							H.J. Res. 751	99-465
							H.J. Res. 753	99-491
(25,369,823,000)	Sept. 26	*(27,182,933,000)*	Oct. 3	*(27,182,933,000)*	Oct. 30	*(45,727,595,000)*		
(15,958,615,000)	do	*(11,933,320,000)*	do	*(11,933,320,000)*	do	*(12,372,985,000)*		
(302,282,138,000)	do	*(277,071,397,000)*	do	*(277,071,397,000)*	do	*(268,675,129,000)*		
(560,380,000)	do	*(560,380,000)*	do	*(560,380,000)*	do	*(580,380,000)*		
(2,989,598,000)	do	*(3,009,098,000)*	do	*(3,009,098,000)*	do	*(3,060,407,000)*		
(160,127,000)	do	*(160,127,000)*	do	*(160,127,000)*	do	*(155,127,000)*		
(15,870,143,000)	do	*(14,529,255,000)*	do	*(14,529,255,000)*	do	*(15,007,277,000)*		
(15,474,534,125)	do	*(13,049,963,960)*	do	*(13,049,963,960)*	do	*(13,372,245,711)*		
(46,488,047,000)	do	*(53,678,039,800)*	do	*(53,678,039,800)*	do	*(53,577,802,700)*		
					do	2,434,000,000		
(6,616,775,000)	do	*(8,041,481,000)*	do	*(8,041,481,000)*	do	*(8,308,405,000)*		
(96,794,950,000)	do	*(103,853,404,000)*	do	*(103,853,404,000)*	do	*(113,947,638,000)*		
(1,822,215,800)	do	*(1,635,190,214)*	do	*(1,635,190,214)*	do	*(1,637,290,214)*		
(10,520,200,000)	do	*(8,216,981,000)*	do	*(8,216,981,000)*	do	*(8,590,774,000)*		
(7,014,514,569)	do	*(10,197,746,569)*	do	*(10,197,746,569)*	do	*(10,253,373,069)*		
(12,856,230,000)	do	*(13,299,227,800)*	do	*(13,299,227,800)*	do	*(13,642,799,800)*		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
CONTINUING APPROPRIATIONS—Continued		*1986*		*1986*	
Further Continuing Appropriations, 1987—Continued:					
Department of Health and Human Services	$1,808,210,000	do	$2,118,092,000	do	$2,118,092,000
Department of Education	4,279,782,000	do	5,489,023,000	do	5,489,023,000
Department of Commerce		do	7,500,000	do	7,500,000
ACTION	149,865,000	do	144,781,000	do	144,781,000
United States Institute of Peace	1,250,000	do	500,000	do	500,000
Department of Health and Human Services	2,100,000,000	do	1,986,000,000	do	1,986,000,000
Department of the Interior		do	6,000,000	do	6,000,000
Omnibus Drug Supplemental:					
Department of Justice		do	972,000,000	do	972,000,000
The Judiciary		do	4,500,000	do	4,500,000
United States Information Agency		do	2,000,000	do	2,000,000
Foreign Assistance		do	38,000,000	do	38,000,000
Department of the Interior		do	58,860,000	do	58,860,000
Department of Agriculture					
Department of Health and Human Services		do	41,500,000	do	41,500,000
Department of Labor					
Department of Health and Human Services		do	281,000,000	do	281,000,000
Advisory Commission on the Comprehensive Education of Intercollegiate Athletes		do	650,000	do	650,000
Department of Education		do	350,000,000	do	350,000,000
ACTION					
Department of Transportation		do	127,000,000	do	127,000,000
Department of the Treasury		do	219,231,000	do	219,231,000
Executive Office of the President		do	5,000,000	do	5,000,000
Department of Defense					
James Madison Memorial Fellowship					
Aviation Safety Commission					
National Commission to Prevent Infant Mortality					
General Provisions		do	−1,554,530,000	do	−1,554,530,000
Total, continuing appropriations *(net)*	8,339,107,000		10,297,107,000		10,297,107,000
DEFERRALS [17]					
Urgent Supplemental Appropriations Act, 1986:					
Deferral disapproval		Mar. 25 (99-510)	*(5,341,896,825)*	May 8	*(5,341,896,825)*
New deferral approval		do	*(−7,432,000)*	do	*(−7,432,000)*
RECAPITULATION					
Grand total:					
New budget *(obligational)* authority *(net)*	578,782,196,694		560,893,143,653		[18] 288,355,802,369
Appropriations	(579,129,268,694)		(561,295,925,653)		(288,758,584,369)
Rescission of contract authority *(indefinite)*	(−318,362,000)		(−318,362,000)		(−318,362,000)
Rescissions			(−55,000,000)		(−55,000,000)
(Appropriations to liquidate contract authorizations)	*(15,515,625,000)*		*(15,285,500,000)*		*(15,285,500,000)*

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[1] Funding for programs and activities normally included in this bill is provided under Sec. 101(a) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 47, this volume).

[2] Funding for programs and activities normally included in this bill is provided under Sec. 101(b) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 49, this volume).

[3] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 51, this volume).

[4] Funding for programs and activities normally included in this bill is provided under Sec. 101(d) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 53, this volume).

[5] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 55, this volume).

[6] Funding for programs and activities normally included in this bill is provided under Sec. 101(f) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 57, this volume).

[7] Funding for programs and activities normally included in this bill is provided under Sec. 101(g) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 59, this volume).

[8] Funding for programs and activities normally included in this bill is provided under Sec. 101(h) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 91, this volume).

[9] Funding for programs and activities normally included in this bill is provided under Sec. 101(i) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 93, this volume).

[10] Funding for programs and activities normally included in this bill is provided under Sec. 101(j) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 127, this volume).

SUPPLEMENTAL APPROPRIATION BILLS, 99TH CONG., 2D SESS.—Continued

2d sess., differs to some extent from previous tabulations. (See explanation, par. 7, "Compilers' Notes", p. III).]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1986		*1986*		*1986*			
$373,998,000	do	$409,373,000	do	$409,373,006	do	$361,633,000	H.J. Res. 738	99-591
					do	7,177,000		
					do	9,500,000		
			do	300,000,000	do	539,500,000		
			do	25,500,000	do	37,500,000		
			do	2,000,000	do	2,000,000		
			do	58,000,000	do	56,000,000		
			do	18,500,000	do	23,500,000		
			do	20,000,000				
			do	25,200,000	do	21,700,000		
					do	3,000,000		
			do	269,000,000	do	262,000,000		
			do	150,000,000	do	200,000,000		
			do	3,000,000	do	3,000,000		
			do	188,000,000	do	128,000,000		
			do	155,900,000	do	160,051,000		
			do	2,000,000	do	5,000,000		
			do	362,115,000	do	300,000,000		
			do	20,000,000				
			do	2,000,000	do	2,000,000		
			do	1,000,000				
373,998,000		409,373,000		2,011,588,000		4,555,561,000		
	May 15 (99-301)	*(4,889,477,000)*	June 6	*(4,886,825,000)*	July 2	*(4,890,075,000)*	H.R. 4515	99-349
	do	*(–18,245,000)*	do	*(–21,252,000)*	do	*(–19,772,000)*		
564,169,024,494		552,443,136,343		[19] 198,578,651,583		572,498,232,494		
(566,044,399,494)		(557,251,360,343)		(204,004,375,583)		(591,775,909,494)		
(–318,362,000)		(–54,000,000)		(–54,000,000)		(–253,100,000)		
		(–40,600,000)		(–632,500,000)		(–12,070,653,000)		
(15,515,625,000)		*(15,589,000,000)*		*(15,269,000,000)*		*(15,591,500,000)*		

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[11] Funding for programs and activities normally included in this bill is provided under Sec. 101(k) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 143, this volume).

[12] Funding for programs and activities normally included in this bill is provided under Sec. 101(l) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 145, this volume).

[13] Funding for programs and activities normally included in this bill is provided under Sec. 101(m) of Public Law 99-591, Fourth Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 173, this volume).

[14] Provisions included in text of H.J. Res 738.

[15] Vetoed by the President October 9, 1986.

[16] For informational purposes only. Amount included in net total for "regular annual appropriation acts" earlier in table.

[17] See pp. 557-565 and pp. 567-572 for status reports on rescissions and deferrals.

[18] Excludes amounts for two appropriation bills (Defense and Foreign Assistance), which did not pass the House except as part of the Continuing Resolution (P.L. 99-591).

[19] Excludes amounts for six appropriation bills (Agriculture, Commerce, Defense, Energy, Foreign Assistance, and Treasury) which did not pass the Senate except as part of the Continuing Resolution (P.L. 99-591).

Note.—The President's Budget for 1987 submitted February 5, 1986 (H. Doc. 99-143), tentatively estimated total new budget (obligational) authority for fiscal year 1987 at $1,102.0 billion net ($1,296.7 billion gross, including $194.7 billion in intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget purposes only). An estimated $732.5 billion does not require action by Congress. This amount includes permanent appropriations such as interest on the public debt and various trust funds for which the obligational authority is already provided in the basic law. Virtually all of the remaining $555.9 billion (exclusive of reductions of $8.3 billion shown in the February budget under the category "to be requested separately") is for consideration at this session of Congress in the appropriation bills.

VI. COMPARISON OF BUDGET ESTIMATES AND LOAN AND BORROWING AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 99TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Loan and borrowing authorizations, fiscal year 1987 and prior years	Increase (+) or decrease (−), authorizations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Housing for the elderly or handicapped fund		$507,689,000	+$507,689,000

VIa. COMPARISON OF BUDGET ESTIMATES AND CONTRACT AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 99TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Contract authorizations, fiscal year 1987 and prior years	Increase (+) or decrease (−), contract authorizations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Annual contributions for assisted housing	$2,529,164,000	$7,805,668,000	+$5,276,504,000
Rescission of assisted housing deobligations *(indefinite)*	*(−264,362,000)*	−199,100,000	[1] −199,100,000
Rental housing assistance *(rescission)*	*(−54,000,000)*	−54,000,000	[1] −54,000,000
Total, regular acts *(net)*	2,529,164,000	7,552,568,000	+5,023,404,000
SUPPLEMENTAL ACTS			
SUPPLEMENTAL APPROPRIATIONS, 1986			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing:			
Rescission, fiscal year 1986		−5,250,000,000	−5,250,000,000
Rescission, fiscal year 1987		−6,042,000,000	−6,042,000,000
Rent supplement *(rescission)*	*(−1,158,920,000)*	−1,158,920,000	[1] −1,158,920,000
Rental housing assistance *(rescission)*	*(−283,584,000)*	−283,584,000	[1] −283,584,000
DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
Land and water conservation fund *(rescission)*	*(−28,710,000)*	−28,710,000	[1] −28,710,000
Total, supplemental acts *(net)*		−12,763,214,000	−12,763,214,000
Grand total, contract authority *(net)*	2,529,164,000	−5,210,646,000	−7,739,810,000

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[1] Reflects actual rescission rather than comparison with request.

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 99TH CONG., 2D SESS.

[NOTE.—For informational purposes only, to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY, AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Operating-differential subsidies	$320,000,000	$320,000,000	
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES			
NATIONAL PARK SERVICE			
Construction		12,500,000	+$12,500,000
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
COAST GUARD			
Boat safety	15,000,000	30,000,000	+15,000,000
FEDERAL AVIATION ADMINISTRATION			
Grants-in-aid for airports (*Airport and Airway Trust Fund*)	800,000,000	860,000,000	+60,000,000
FEDERAL HIGHWAY ADMINISTRATION			
Highway-related safety grants (*trust fund*)	12,000,000	12,000,000	
Federal-aid highways (*trust fund*)	13,036,000,000	13,130,000,000	+94,000,000
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Highway traffic safety grants (*trust fund*)	118,000,000	127,000,000	+9,000,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Formula capital grants	264,625,000		−264,625,000
Discretionary grants	950,000,000	1,100,000,000	+150,000,000
Total, Department of Transportation and related agencies	15,195,625,000	15,259,000,000	+63,375,000
Grand total, appropriations to liquidate contract authorizations	15,515,625,000	15,591,500,000	+75,875,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 99TH CONG.

Number of Public Law	Approval date	Title	Amount of Authorization
	1986	AGRICULTURE ACTS	
99-241	Jan. 30	Delaying the referendum with respect to the 1986 through 1988 crops of Flue-cured tobacco and to delay the proclamation of national marketing quotas for the 1986 through 1988 crops of burley tobacco.	....
99-253	Feb. 28	Making certain technical corrections to amendments made by the Food Security Act of 1985.	....
99-260	Mar. 20	To make certain improvements to amendments made by the Food Security Act of 1985.	$110,000,000
99-409	Aug. 28	To authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development.	....
		BUDGET/RECONCILIATION ACTS	
99-272	Apr. 7	To make changes in spending and revenue provisions for purposes of deficit reduction and program improvement consistent with the budget process.	3,305,726,000
99-509	Oct. 21	Omnibus Budget Reconciliation Act of 1986.	1,001,180,000
		COMMERCE ACTS	
99-502	Oct. 20	Federal Technology Transfer Act of 1986.	....
99-574	Oct. 28	National Bureau of Standards Authorization Act for Fiscal Year 1987.	126,701,000
99-633	Nov. 7	To authorize appropriations to carry out the Export Administration Act of 1979 and export promotion activities.	159,857,000
99-659	Nov. 14	To amend certain provisions of the law regarding the fisheries of the United States.	78,752,000
		DEFENSE ACTS	
99-331	May 31	To extend until June 20, 1986, the date on which certain limitations become effective with respect to obligations that may be made from the Military Personnel Accounts of the Department of Defense for fiscal year 1986.	....
99-348	July 1	To establish a revised retirement system for new members of the uniformed services, and to revise the method of determining cost-of-living adjustments under the revised retirement system.	....
99-433	Oct. 1	To reorganize and strengthen certain elements of the Department of Defense, improving the military advice provided the President, the National Security Council, and the Secretary of Defense, enhancing the effectiveness of military operations increasing attention to the formulation of strategy and contingency planning, providing for the more efficient use of resources, and strengthening civilian authority in the Department of Defense.	....
99-441	Oct. 3	To extend the expiration date of the Defense Production Act of 1950, and to authorize funds for the purposes of such Act.	30,000,000
99-569	Oct. 27	Intelligence Authorization Act for Fiscal Year 1987.	147,800,000
99-661	Nov. 14	Department of Defense Authorizations Act for fiscal year 1987.	219,314,600,000
		DISTRICT OF COLUMBIA ACTS	
99-242	Feb. 7	Extending the waiver authority of the District of Columbia Revenue Bond Act of 1985 to certain revenue bond acts of the District of Columbia.	....
99-573	Oct. 28	District of Columbia Judicial Efficiency and Improvement Act of 1986.	....
		EDUCATION ACTS	
99-320	May 23	To make technical corrections in the higher education title of the Consolidated Omnibus Budget Reconciliation Act of 1985.	....
99-357	July 8	To amend the Carl D. Perkins Vocational Education Act with respect to State allotments under the Act.	....
99-371	Aug. 4	To authorize quality educational programs for deaf individuals, to foster improved educational programs for deaf individuals throughout the United States, and to reenact and codify certain provisions of law relating to the education of the deaf.	100,000,000
99-423	Sept. 30	Authorizing the Smithsonian Institution to plan and construct facilities for the Smithsonian Astrophysical Observatory and the Smithsonian Tropical Research Institute.	15,600,000
99-457	Oct. 8	To reauthorize certain programs under the Education of the Handicapped Act, to authorize an early intervention program for handicapped infants.	246,000,000
99-498	Oct. 17	Higher Education Amendments of 1986.	9,549,000,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 99TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1986	EDUCATION ACTS—Continued	
99-617	Nov. 6	To authorize the Board of Regents of the Smithsonian Institution to construct the Charles McC. Mathias, Jr. Laboratory for Environmental Research in Edgewater, Maryland, and to designate the United States Courthouse and Customhouse in Louisville, Kentucky, as the "Gene Snyder United States Courthouse and Customhouse".	$1,000,000
		ENVIRONMENTAL ACTS	
99-270	Apr. 1	Making a repayable advance to the Hazardous Substance Response Trust Fund	
99-294	May 12	To implement certain recommendations made pursuant to Public Law 98-360	679,840,000
99-339	June 19	Authorizing funds for fiscal years 1986-1990 for programs of the Safe Drinking Water Act, including public water systems and protection of underground sources of drinking water.	170,150,000
99-432	Oct. 1	Reauthorizing the Atlantic Striped Bass Conservation Act	3,000,000
99-499	Oct. 17	Superfund Amendments and Reauthorization Act of 1986	8,972,500,000
99-507	Oct. 21	Deep Seabed Hard Mineral Resources Reauthorization Act of 1986	1,500,000
99-516	Oct. 22	To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, to authorize appropriations for fiscal year 1987	9,200,000
99-519	Oct. 22	Asbestos Hazard Emergency Response Act of 1986	50,000,000
99-546	Oct. 27	To implement the Coordinated Operations Agreement, the Suisun Marsh Preservation Agreement, and to amend the Small Reclamation Projects Act of 1956, as amended.	10,000,000
99-552	Oct. 27	To provide for the restoration of the fishery resources in the Klamath River Basin	21,000,000
99-590	Oct. 30	To amend the Wild and Scenic Rivers Act	[1] 1,900,000
99-655	Nov. 14	Entitled the "Lower Colorado Water Supply Act."	1,800,000
99-662	Nov. 17	To provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.	51,000,000
99-663	Nov. 17	To protect and provide for the enhancement of the resources of the Columbia River Gorge.	53,200,000
		FOREIGN OPERATIONS ACTS	
99-247	Feb. 12	To amend the Arms Export Control Act to require that Congressional vetoes of certain arms export proposals be enacted into law	
99-399	Aug. 27	To provide enhanced diplomatic security and combat international terrorism	1,630,752,000
99-415	Sept. 19	To authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland.	35,000,000
99-440	Oct. 2	To prohibit loans to, other investments in, and certain other activities with respect to South Africa.	11,500,000
99-472	Oct. 15	To amend the Export-Import Bank Act of 1945, to extend the authority of such Act through fiscal year 1997, and changing the Export-Import Bank's medium-term direct credit program.	145,259,000
99-529	Oct. 22	Special Foreign Assistance Act of 1986	578,279,000
		GENERAL GOVERNMENT ACTS	
99-251	Feb. 27	To expand the class of individuals eligible for funds or other returns of contributions from contingency reserves in the Employees Health Benefits Fund, and to make miscellaneous amendments relating to the Civil Service Retirement System and the Federal Employees Health Benefits Program.	[2] 4,000,000
99-335	June 6	To establish a new retirement and disability plan for Federal employees, postal employees, and Members of Congress.	
99-359	July 8	To authorize funds for activities under the Federal Fire Prevention and Control Act of 1974.	18,300,000
99-470	Oct. 14	To authorize funds for and increase authorized membership in the Administrative Conference of the United States.	2,000,000
99-547	Oct. 27	Consolidated Federal Funds Report Amendments of 1985	500,000
99-551	Oct. 27	Domestic Volunteer Service Act Amendments of 1986	178,836,000
99-559	Oct. 27	To provide for furloughed employees compensation	
99-570	Oct. 27	Anti-Drug Abuse Act of 1986	1,363,500,000
99-591	Oct. 30	Paperwork Reduction Reauthorization Act of 1986	[3] 5,500,000
99-605	Nov. 6	To extend for two years the authorization of appropriations for refugee assistance	356,000,000
99-607	Nov. 6	To authorize appropriations for the Patent and Trademark Office in the Department of Commerce.	110,400,000

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[1] For fiscal years 1987-1991.

[2] For fiscal years 1986-1990.

[3] For each of the fiscal years 1987, 1988, and 1989 (see p. 507, this volume).

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 99TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1986	HOUSING ACTS	
99-267	Mar. 27	To provide for the temporary extension of certain programs relating to housing and community development.	
99-278	Apr. 24	To extend for 3 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.	
99-289	May 2	To authorize the Federal Housing Administration and the Government National Mortgage Association to enter into additional commitments to insure loans and guarantee mortgage-backed securities during fiscal year 1986.	
99-345	June 24	Providing for the temporary extension of certain programs relating to housing and community development.	
99-400	Aug. 27	Extending until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.	
99-430	Sept. 30	Providing for the extension of certain programs relating to housing and community development.	
		INTERIOR ACTS	
99-264	Mar. 24	To settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to certain lands.	$6,600,000
99-375	Aug. 7	Authorizing appropriations for nongame fish and wildlife conservation during fiscal years 1986, 1987, and 1988.	5,000,000
99-388	Aug. 23	To increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania.	
99-396	Aug. 27	To amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States.	
99-420	Sept. 25	To establish a permanent boundary for the Acadia National Park, Maine, and for the acquisition of lands for such park.	9,100,000
99-428	Sept. 30	Reauthorizing the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act.	
99-469	Oct. 14	To provide for the settlement of certain claims of the Papago Tribe of Arizona arising from the construction of Tat Momolik Dam.	
99-473	Oct. 16	To authorize funds for the American Folklife Center for fiscal years 1987, 1988, and 1989.	870,000
99-503	Oct. 20	Gila Bend Indian Reservation Lands Replacement Act.	
99-561	Oct. 27	To enhance the carrying out of fish and wildlife conservation and natural resource management programs on military reservations.	26,500,000
99-583	Oct. 29	Relating to the Indiana Dunes National Lakeshore.	
99-645	Nov. 10	To promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and the other essential habitat.	200,000,000
99-647	Nov. 10	To establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.	250,000
99-658	Nov. 14	To approve the "Compact of Free Association" between the United States and the Government of Palau.	30,000,000
99-664	Nov. 17	To provide for a land exchange in the State of Alaska.	
		JUDICIARY AND JUSTICE ACTS	
99-336	June 19	To reform and improve the Federal justice and judges survivors' annuities program.	2,300,000
99-603	Nov. 6	To revise and reform the immigration laws.	1,077,000,000
		LABOR, HEALTH AND HUMAN SERVICES ACTS	
99-252	Feb. 27	To provide for public education concerning the health consequences of using smokeless tobacco products.	4,000,000
99-269	Apr. 1	To amend the Older Americans Act of 1965, to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution.	12,000,000
99-280	Apr. 24	Revising and extending provisions of the Public Health Service Act relating to primary care.	445,400,000
99-319	May 23	To provide for protection and advocacy for mentally ill persons.	10,500,000
99-401	Aug. 27	To encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of sexual child abuse cases.	5,000,000
99-425	Sept. 30	Authorizing funds for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs.	2,050,000,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 2D SESS. OF THE 99TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1986	LABOR, HEALTH AND HUMAN SERVICES ACTS—Continued	
99-496	Oct. 16	Job Training Partnership Act Amendments of 1986.	
99-506	Oct. 21	Rehabilitation Act Amendments of 1986.	$1,822,250,000
99-649	Nov. 10	To improve the public health through the prevention of injuries.	
99-660	Nov. 14	To require States to develop, establish, and implement State comprehensive mental health plans.	
		LEGISLATIVE ACTS	
99-439	Oct. 2	Relating to telephone services for Senators.	
99-608	Nov. 6	To authorize funds to preserve the official papers of Joseph W. Martin, Jr.	6,000,000
		REVENUE ACTS	
99-384	Aug. 21	To increase the statutory limit on the public debt.	
99-514	Oct. 22	Tax Reform Act of 1986.	24,900,000
		SCIENCE ACTS	
99-382	Aug. 14	To amend the Stevenson-Wydler Technology Act of 1980, improving the availability of Japanese science and engineering literature in the United States.	1,000,000
99-383	Aug. 21	To authorize funds for the National Science Foundation for the fiscal year 1987.	1,774,700,000
		SEQUESTRATION ACTS	
99-255	Mar. 7	To establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986.	
99-322	May 23	To revise further the limitation applicable to chapter 37 of title 38, United States Code, for fiscal year 1986, for the purpose of implementing any order issued by the President for such fiscal year under any law providing for the sequestration of new loan guarantee commitments.	
99-366	July 31	Ratifying and affirming the report of January 15, 1986, of the Director of the Office of Management and Budget and Director of the Congressional Budget Office with respect to fiscal year 1986.	
		TRANSPORTATION ACTS	
99-368	Aug. 1	To authorize funds for fiscal year 1987 for the operation and maintenance of the Panama Canal.	437,250,000
99-591	Oct. 30	Aviation Safety Commission Act of 1986.	[1] Indefinite
99-626	Nov. 7	Recreational Boating Safety Act of 1986.	
99-640	Nov. 10	To authorize appropriations for the Coast Guard for fiscal year 1987.	2,513,800,000
		VETERANS ACT	
99-576	Oct. 28	Veterans' Benefits Improvement and Health-Care Authorization Act of 1986.	500,000

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[1] For fiscal years 1987 and 1988 (see p. 542, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations. (See explanation, par. 7, "Compilers' Notes", p. III).]

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1986, PUBLIC LAW 99-243, APPROVED FEBRUARY 10, 1986

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF AGRICULTURE				
COMMODITY CREDIT CORPORATION				
Reimbursement for net realized lossess		....	$1,492,857,000	+$1,492,857,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

SECOND URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1986, PUBLIC LAW 99-263, APPROVED MARCH 24, 1986

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF AGRICULTURE				
Commodity Credit Corporation				
Reimbursement for net realized lossess		....	$5,000,000,000	+$5,000,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986

TITLE I—GENERAL SUPPLEMENTALS

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I				
CHAPTER I				
DEPARTMENT OF AGRICULTURE				
SOIL CONSERVATION SERVICE				
Watershed and Flood Prevention Operations			$36,700,000	+$36,700,000
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE				
Emergency Conservation Program			5,000,000	+5,000,000
Food Safety and Inspection Service			3,700,000	+3,700,000
Packers and stockyards administration			80,000	+80,000
Dairy indemnity program	99-196	$6,000,000	9,000,000	+3,000,000
Total, Agricultural Stabilization and Conservation Service		6,000,000	17,780,000	+11,780,000
FARMERS HOME ADMINISTRATION				
Rural Housing Insurance *(loan authorization)*	99-144 99-196	*(−7,000,000)*	*(−3,000,000)*	*(+4,000,000)*
Self-help housing land development fund *(loan authorization)*	99-144 99-196	*(−699,000,000)*	*(1,000,000)*	*(+700,000,000)*
(Deferral disapproval—D86-60)	99-180		*(700,000,000)*	*(+700,000,000)*
Very low income housing repair grants			2,000,000	+2,000,000
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE				
Salaries and expenses *(transfer from Commodity Credit Corporation)*	99-144	*(71,598,000)*	*(71,598,000)*	
FOOD AND NUTRITION SERVICE				
Feeding program for Women, Infants and Children (WIC)			20,000,000	+20,000,000
COMMODITY SUPPLEMENTAL FOOD PROGRAM				
(Transfer from Commodity Credit Corporation)			*(3,950,000)*	*(+3,950,000)*
Temporary emergency food assistance program			2,437,000	+2,437,000
COMMODITY CREDIT CORPORATION				
Reimbursement for net realized losses [1]	99-144 99-159	[1] 5,300,000,000	5,300,000,000	
Citrus Canker *(by transfer from Animal and Plant Health Inspection Service)*			*(11,100,000)*	*(+11,100,000)*
Cooperative State Research Service *(by transfer)*			*(5,000,000)*	*(+5,000,000)*
Avian Influenza *(by transfer)*			*(5,000,000)*	*(+5,000,000)*
Elderly feeding programs			8,500,000	+8,500,000
Total, Commodity Credit Corporation		5,300,000,000	5,308,500,000	+8,500,000
Total, Chapter I, Agriculture:				
New budget *(obligational)* authority		5,306,000,000	5,387,417,000	+81,417,000
(By transfer)		*(71,598,000)*	*(96,648,000)*	*(+25,050,000)*
(Loan authorization)		*(−706,000,000)*	*(−2,000,000)*	*(+704,000,000)*
(Deferral disapproval)			*(700,000,000)*	*(+700,000,000)*

See footnotes at end of table, p. 3092.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER II				
DEPARTMENT OF COMMERCE				
ECONOMIC DEVELOPMENT ADMINISTRATION				
Economic development assistance programs *(deferral disapproval—D86-36)*	99-161		*($40,000,000)*	*(+$40,000,000)*
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research and facilities			10,822,000	+10,822,000
DEPARTMENT OF JUSTICE				
LEGAL ACTIVITIES				
Salaries and expenses, United States Marshals Service			2,600,000	+2,600,000
(By transfer)	99-224	*($2,600,000)*		*(−2,600,000)*
Support of United States prisoners			3,000,000	+3,000,000
Total, Legal Activities			5,600,000	+5,600,000
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses			10,000,000	+10,000,000
Rescission			−10,000,000	−10,000,000
IMMIGRATION AND NATURALIZATION SERVICE				
Salaries and expenses			3,000,000	+3,000,000
(By transfer)	99-224	*(3,000,000)*		*(−3,000,000)*
FEDERAL PRISON SYSTEM				
Salaries and expenses	99-144	10,620,000	18,000,000	+7,380,000
(By transfer)	99-224	*(2,500,000)*		*(−2,500,000)*
Total, Department of Justice *(net)*		10,620,000	26,600,000	+15,980,000
Appropriations		(10,620,000)	(36,600,000)	(+25,980,000)
Rescission			(−10,000,000)	(−10,000,000)
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses	99-144 99-220	228,494,000	283,104,000	+54,610,000
Acquisition and maintenance of buildings abroad	99-144	454,532,000	409,000,000	−45,532,000
Counterterrorism research and development	99-144	10,000,000	10,000,000	
Total, Administration of foreign affairs		693,026,000	702,104,000	+9,078,000
OTHER				
The Asia Foundation			2,000,000	+2,000,000
Total, Department of State		693,026,000	704,104,000	+11,078,000
THE JUDICIARY				
SUPREME COURT OF THE UNITED STATES				
Care of the building and grounds	99-144	46,000	46,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Salaries of supporting personnel	99-144	$1,200,000	$1,200,000	
(By transfer)	99-184	*(12,000,000)*		*(−$12,000,000)*
Fees of jurors and commissioners	99-144	3,800,000	3,800,000	
Study of construction of office building	99-144	2,000,000	1,300,000	−700,000
Total, Courts of Appeals, District Courts, and Other Judicial Services		7,000,900	6,300,000	−700,000
Total, The Judiciary		7,046,000	6,346,000	−700,000
RELATED AGENCIES				
DEPARTMENT OF TRANSPORTATION				
MARITIME ADMINISTRATION				
Operations and training *(deferral disapproval—D86-53)*	99-161		*(1,738,000)*	*(+1,738,000)*
BOARD FOR INTERNATIONAL BROADCASTING				
Grants and expenses	99-144 99-220	22,000,000	18,800,000	−3,200,000
SMALL BUSINESS ADMINISTRATION				
Salaries and expenses *(by transfer)*			*(2,000,000)*	*(+2,000,000)*
UNITED STATES INFORMATION AGENCY				
Salaries and expenses	99-144	17,326,000		−17,326,000
(By transfer)			*(3,900,000)*	*(+3,900,000)*
Total, Chapter II, Commerce, Justice, State, the Judiciary, and Related Agencies:				
New budget *(obligational)* authority *(net)*		750,018,000	766,672,000	+16,654,000
Appropriations		(750,018,000)	(776,672,000)	(+26,654,000)
Rescission			(−10,000,000)	(−10,000,000)
(By transfer)		*(20,100,000)*	*(5,900,000)*	*(−14,200,000)*
(Deferral disapproval)			*(41,738,000)*	*(+41,738,000)*
CHAPTER III				
DEPARTMENT OF DEFENSE—MILITARY				
OPERATION AND MAINTENANCE				
Tenth International Pan American Games			8,000,000	+8,000,000
Rescission			−8,000,000	−8,000,000
PROCUREMENT				
Procurement of Weapons and Tracked Combat Vehicles, Army *(rescission)*	99-211	*(−34,400,000)*	−34,400,000	[2] −34,400,000
Shipbuilding and Conversion, Navy *(rescission)*	99-211	*(−40,100,000)*	−40,100,000	[2] −40,100,000
Coastal Defense Augmentation *(transfer to Coast Guard, Acquisition, construction and improvements)*			*(21,250,000)*	*(+21,250,000)*

See footnotes at end of table, p. 3092.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
Missile Procurement, Air Force *(by transfer)*			*($345,400,000)*	*(+$345,400,000)*
Other Procurement, Air Force *(rescission)*	99-211	*(−$40,000,000)*	−40,000,000	[2] −40,000,000
Total, Procurement			−114,500,000	−114,500,000
RESEARCH, DEVELOPMENT, TEST AND EVALUATION				
Research, Development, Test and Evaluation, Air Force *(by transfer)*			*(316,886,000)*	*(+316,886,000)*
REVOLVING AND MANAGEMENT FUNDS				
ADP Equipment Management Fund			100,000,000	+100,000,000
(Rescission)			−100,000,000	−100,000,000
Total, Chapter III, Defense:				
New budget *(obligational)* authority *(net)*			−114,500,000	−114,500,000
Appropriations			(108,000,000)	(+108,000,000)
Rescissions		*(−114,500,000)*	(−222,500,000)	[2](−222,500,000)
(By transfer)			*(662,286,000)*	*(+662,286,000)*
(Transfer)			*(21,250,000)*	*(+21,250,000)*
CHAPTER IV				
DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Flood control and coastal emergencies			25,000,000	+25,000,000
General expenses *(by transfer)*	99-144	*(3,000,000)*	*(3,000,000)*	
DEPARTMENT OF ENERGY				
ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES				
(Deferral disapproval—D86-38)	99-161		*(23,156,000)*	*(+23,156,000)*
ATOMIC ENERGY DEFENSE ACTIVITIES				
(Transfer from Research, Development, Test, and Evaluation, Defense Agencies)	99-144	*(62,000,000)*	*(62,000,000)*	
Total, Chapter IV, Energy and Water Development:				
New budget *(obligational)* authority			25,000,000	+25,000,000
(By transfer)		*(65,000,000)*	*(65,000,000)*	
(Deferral disapproval)			*(23,156,000)*	*(+23,156,000)*
CHAPTER V				
FOREIGN ASSISTANCE AND RELATED PROGRAMS				
BILATERAL ECONOMIC ASSISTANCE				
International Fund for Northern Ireland and Ireland	99-174	20,000,000		−20,000,000
(By transfer)			*(50,000,000)*	*(+50,000,000)*

See footnotes at end of table, p. 3092.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
Department of State				
Anti-terrorism assistance	99-144	$4,840,000		−$4,840,000
(By transfer)			*($2,739,000)*	*(+2,739,000)*
Foreign Assistance Contingencies				
General contingencies	99-144	50,000,000		−50,000,000
Special Assistance to the Philippines				
Economic support fund	S 99-29	100,000,000	100,000,000	
Military assistance	S 99-29	50,000,000	50,000,000	
Reappropriation	S 99-29	15,000,000		−15,000,000
(By transfer)	S 99-29	*(14,355,000)*		*(−14,355,000)*
Total, Chapter V, Foreign Assistance and Related Programs:				
New budget *(obligational)* authority		239,840,000	150,000,000	−89,840,000
Appropriations		(224,840,000)	(150,000,000)	(−74,840,000)
Reappropriation		(15,000,000)		(−15,000,000)
(By transfer)		*(14,355,000)*	*(52,739,000)*	*(+38,384,000)*
CHAPTER VI				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Housing Programs				
Annual contributions for assisted housing:				
Rescission of contract authority, indefinite, fiscal year 1986			−5,250,000,000	−5,250,000,000
Rescission of contract authority, indefinite, fiscal year 1987			−6,042,000,000	−6,042,000,000
Rent supplement *(rescission of contract authority, indefinite)*	99-144	*(−1,158,920,000)*	−1,158,920,000	[2] −1,158,920,000
(Limitation on annual contract authority, indefinite)	99-144	*(41,390,000)*	*(−41,390,000)*	
Rental housing assistance *(rescission of contract authority, indefinite)*	99-144	*(−283,584,000)*	−283,584,000	[2] −283,584,000
(Limitation on annual contract authority, indefinite)	99-144	*(−10,128,000)*	*(−10,128,000)*	
Housing Programs and Community Planning and Development				
Annual contributions for assisted housing *(deferral disapproval—D86-41)*	99-161 99-178		*(2,300,805,000)*	*(+2,300,805,000)*
Housing for the elderly or handicapped fund *(deferral disapproval—D86-45)*	99-161		*(530,220,000)*	*(+530,220,000)*
Nonprofit sponsor assistance *(deferral disapproval—D86-46)*	99-161 99-178		*(457,000)*	*(+457,000)*
Community development grants *(deferral disapproval—D86-48)*	99-161		*(500,000,000)*	*(+500,000,000)*
Rehabilitation loan fund *(deferral disapproval—D86-50)*	99-161 99-178		*(131,133,000)*	*(+131,133,000)*

See footnotes at end of table, p. 3092.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (–), appropriations compared with estimates
FEDERAL HOUSING ADMINISTRATION FUND				
Federal Housing Administration Fund *(limitation on guaranteed loans)*	99-219	*($6,500,000,000)*	*($57,580,000,000)*	*(+$51,080,000,000)*
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION				
Guarantees of mortgage-backed securities *(limitation on guaranteed loans)*			*(49,000,000,000)*	*(+49,000,000,000)*
MANAGEMENT AND ADMINISTRATION				
Salaries and expenses *(by transfer)*	99-219	*(10,100,000)*	*(30,000,000)*	*(+19,900,000)*
Total, Department of Housing and Urban Development *(net)*			–12,734,504,000	–12,734,504,000
Rescissions of contract authority, indefinite, fiscal year 1986		*(–1,442,504,000)*	(–6,692,504,000)	[2](–6,692,504,000)
Rescission of contract authority, indefinite, fiscal year 1987			(–6,042,000,000)	(–6,042,000,000)
INDEPENDENT AGENCIES				
AMERICAN BATTLE MONUMENTS COMMISSION				
Salaries and expenses	99-144 99-187	1,553,000	1,553,000	
ENVIRONMENTAL PROTECTION AGENCY				
Salaries and expenses *(by transfer)*			*(3,000,000)*	*(+3,000,000)*
Construction Grants *(release of appropriated funds)*			*(1,200,000,000)*	*(+1,200,000,000)*
FEDERAL EMERGENCY MANAGEMENT AGENCY				
Funds appropriated to the President, Disaster relief	99-144	250,000,000	250,000,000	
Salaries and expenses *(by transfer)*			*(2,920,000)*	*(+2,920,000)*
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Space flight, control and data communications			431,000,000	+431,000,000
Advance appropriation, fiscal year 1987			100,000,000	+100,000,000
Research and program management *(by transfer)*			*(38,100,000)*	*(+38,100,000)*
Total, National Aeronautics and Space Administration			531,000,000	+531,000,000
VETERANS ADMINISTRATION				
Compensation and pensions	99-144	272,000,000	272,000,000	
Readjustment benefits	99-144	91,000,000	91,000,000	
Medical care *(by transfer)*			*(30,000,000)*	*(+30,000,000)*
General operating expenses *(by transfer)*			*(6,000,000)*	*(+6,000,000)*
Veterans job training *(by transfer)*			*(35,000,000)*	*(+35,000,000)*
Total, Veterans Administration		363,000,000	363,000,000	

See footnotes at end of table, p. 3092.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (–), appropriations compared with estimates
FEDERAL HOME LOAN BANK BOARD				
(Limitation on administrative expenses)	99-144	*($3,429,000)*	*($3,429,000)*	
Total, Chapter VI, Housing and Urban Development—Independent Agencies:				
New budget *(obligational)* authority *(net)*		614,553,000	–11,588,951,000	–$12,203,504,000
Appropriations, fiscal year 1986		(614,553,000)	(1,045,553,000)	(+431,000,000)
Rescissions of contract authority, indefinite		*(–1,442,504,000)*	(–6,692,504,000)	[2](–6,692,504,000)
Appropriations, fiscal year 1987			(100,000,000)	(+100,000,000)
Rescission of contract authority, indefinite			(–6,042,000,000)	(–6,042,000,000)
(By transfer)		*(10,100,000)*	*(145,020,000)*	*(+134,920,000)*
(Limitation on administrative expenses, corporate funds)		*(3,429,000)*	*(3,429,000)*	
(Limitation on guaranteed loans)		*(6,500,000,000)*	*(106,580,000,000)*	*(+100,080,000,000)*
(Limitation on annual contract authority, indfinite)		*(–51,518,000)*	*(–51,518,000)*	
(Deferral disapproval)			*(3,462,615,000)*	*(+3,462,615,000)*
CHAPTER VII				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Land acquisition *(effect of new deferral)*	99-161		*(–3,000,000)*	*(–3,000,000)*
UNITED STATES FISH AND WILDLIFE SERVICE				
Land acquisition			2,373,000	+2,373,000
NATIONAL PARK SERVICE				
Operation of the national park system	99-144	13,470,000	13,470,000	
Construction			3,850,000	+3,850,000
Land and water conservation fund *(rescission of contract authority)*	99-161	*(–28,710,000)*	–28,710,000	[2] –28,710,000
Total, National Park Service *(net)*		13,470,000	–11,390,000	–24,860,000
GEOLOGICAL SURVEY				
Surveys, investigations and research			1,400,000	+1,400,000
MINERALS MANAGEMENT SERVICE				
Leasing and royalty management			200,000	+200,000
Payments to States from receipts under Mineral Leasing	99-144	800,000		–800,000
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and technology *(rescission)*			–210,000	–210,000

See footnotes at end of table, p. 3092.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
BUREAU OF INDIAN AFFAIRS				
Operation of Indian programs	99-144	$26,500,000	$29,204,000	+$2,704,000
Construction			2,500,000	+2,500,000
(Effect of new deferral)			*(−2,500,000)*	*(−2,500,000)*
Total, Bureau of Indian Affairs		26,500,000	31,704,000	+5,204,000
TERRITORIAL AND INTERNATIONAL AFFAIRS				
COMPACT OF FREE ASSOCIATION				
Federated States of Micronesia and the Marshall Islands	99-144	178,750,000	201,500,000	+22,750,000
Republic of Palau			9,340,000	+9,340,000
Total, Territorial and International Affairs		178,750,000	210,840,000	+32,090,000
Total, Department of the Interior *(net)*		219,520,000	234,917,000	+15,397,000
RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
State and private forestry			161,000	+161,000
National forest system	99-144	165,700,000	165,700,000	
Construction			1,700,000	+1,700,000
Land acquisition			4,436,000	+4,436,000
Timber salvage sales *(deferral disapproval—D86-3)*	99-111		*(3,153,000)*	*(+3,153,000)*
Total, Forest Service		165,700,000	171,997,000	+6,297,000
DEPARTMENT OF ENERGY				
Fossil energy research and development *(deferral disapproval—D86-6A)*	99-111		*(18,140,000)*	*(+18,140,000)*
Energy conservation *(deferral disapproval—D86-9A)*	99-111		*(14,826,000)*	*(+14,826,000)*
Strategic petroleum reserve *(deferral disapproval—D86-37)*	99-111 99-161		*(41,182,000)*	*(+41,182,000)*
SPR petroleum account *(deferral disapproval—D86-10A)*	99-161		*(577,534,000)*	*(+577,534,000)*
Alternative Fuels Production	99-144	1,020,360,322	1,020,360,322	
Appropriation applied to debt reduction	99-144	−1,020,360,322	−1,020,360,322	
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
Indian health services			13,500,000	+13,500,000
Indian health facilities *(effect of new deferral)*			*(−11,665,000)*	*(−11,665,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
SMITHSONIAN INSTITUTION				
NATIONAL GALLERY OF ART				
Salaries and expenses *(by transfer)*			*($36,000)*	*(+$36,000)*
Total, Chapter VII, Interior and Related Agencies:				
New budget *(obligational)* authority *(net)*		$385,220,000	420,414,000	+35,194,000
Appropriations		(1,405,580,322)	(1,469,694,322)	(+64,114,000)
Appropriation applied to debt reduction		(−1,020,360,322)	(−1,020,360,322)	
Rescissions		*(−28,710,000)*	(−28,920,000)	[2] (−28,920,000)
(By transfer)			*(36,000)*	*(+36,000)*
(Deferral disapproval)			*(654,835,000)*	*(+654,835,000)*
(Effect of new deferral)			*(−17,165,000)*	*(−17,165,000)*
CHAPTER VIII				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
Health resources and services			2,000,000	+2,000,000
NATIONAL INSTITUTES OF HEALTH				
National Cancer Institute			6,000,000	+6,000,000
OFFICE OF COMMUNITY SERVICE				
Community Services Block Grant			1,500,000	+1,500,000
Total, Department of Health and Human Services			9,500,000	+9,500,000
DEPARTMENT OF EDUCATION				
Impact Aid			20,000,000	+20,000,000
Student financial assistance			146,000,000	+146,000,000
Total, Department of Education			166,000,000	+166,000,000
RELATED AGENCIES				
SOLDIER'S AND AIRMEN'S HOME				
Operation and maintenance *(by transfer)*			*(1,241,000)*	*(+1,241,000)*
Total, Chapter VIII, Health and Human Services, Education, and Related Agencies:				
New budget *(obligational)* authority			175,500,000	+175,500,000
(By transfer)			*(1,241,000)*	*(+1,241,000)*

See footnotes at end of table, p. 3092.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER IX				
LEGISLATIVE BRANCH				
SENATE				
SALARIES, OFFICERS AND EMPLOYEES				
Administrative, clerical, and legislative assistance to Senators	99-172	$243,000		−$243,000
Offices of the secretaries for the Majority and Minority	99-144	80,000		−80,000
Office of the Sergeant at Arms and Doorkeeper			$500,000	+500,000
Agency contributions	99-172	32,000		−32,000
Total, salaries, officers and employees		355,000	500,000	+145,000
CONTINGENT EXPENSES OF THE SENATE				
Sergeant at Arms and Doorkeeper of the Senate	99-144	9,100,000		−9,100,000
Miscellaneous items	99-144	650,000		−650,000
Total, contingent expenses of the Senate		9,750,000		−9,750,000
Total, Senate		10,105,000	500,000	−9,605,000
HOUSE OF REPRESENTATIVES				
SALARIES, OFFICERS AND EMPLOYEES				
Office of the Sergeant at Arms			500,000	+500,000
CONTINGENT EXPENSES OF THE HOUSE				
STANDING COMMITTEES, SPECIAL AND SELECT				
Salaries and expenses	99-196	350,000	350,000	
Total, House of Representatives		350,000	850,000	+500,000
JOINT ITEMS				
CONTINGENT EXPENSES OF THE HOUSE				
Joint Committee on Taxation	99-144 99-196	950,000	912,000	−38,000
CAPITOL POLICE				
Capitol Police Board			13,000,000	+13,000,000
OFFICIAL MAIL COSTS				
Expenses	99-144 99-184	50,499,000		−50,499,000
Total, Joint items		51,449,000	13,912,000	−37,537,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
ARCHITECT OF THE CAPITOL				
OFFICE OF THE ARCHITECT OF THE CAPITOL				
Salaries			$250,000	+$250,000
Capitol buildings	99-144	$8,000,000	8,000,000	
Capitol grounds	99-144	7,675,000		−7,675,000
Capitol Power Plant	99-144	2,000,000	1,583,000	−417,000
Total, Architect of the Capitol		17,675,000	9,833,000	−7,842,000
LIBRARY OF CONGRESS				
Salaries and expenses			867,000	+867,000
Total, Chapter IX, Legislative Branch, new budget *(obligational)* authority		79,579,000	25,962,000	−53,617,000
CHAPTER X				
DEPARTMENT OF TRANSPORTATION				
COAST GUARD				
Operating expenses			35,500,000	+35,500,000
(By transfer)	99-187	*(35,500,000)*		*(−35,500,000)*
FEDERAL AVIATION ADMINISTRATION				
Operations	99-187	6,755,000	80,000,000	+73,245,000
(By transfer)	99-187	*(73,245,000)*	*(4,250,000)*	*(−68,995,000)*
Research, engineering and development *(Airport and Airway Trust Fund) (by transfer)*	99-214	*(72,220,000)*	*(72,220,000)*	
Total, Department of Transportation		6,755,000	115,500,000	+108,745,000
RELATED AGENCY				
PANAMA CANAL COMMISSION				
Operating expenses	99-144	25,619,000	18,300,000	−7,319,000
Total, Chapter X, Transportation and Related Agency:				
New budget *(obligational)* authority		32,374,000	133,800,000	+101,426,000
(By transfer)		*(180,965,000)*	*(76,470,000)*	*(−104,495,000)*
CHAPTER XI				
DEPARTMENT OF THE TREASURY				
Bureau of Alcohol, Tobacco and Firearms			500,000	+500,000
Internal Revenue Service:				
Processing tax returns	99-144	194,564,000	194,564,000	
Examinations and appeals	99-144	68,706,000	68,706,000	
Investigations, collections and taxpayer service	99-144	76,730,000	76,730,000	
Total, Internal Revenue Service		340,000,000	340,000,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

URGENT SUPPLEMENTAL APPROPRIATIONS ACT, 1986, PUBLIC LAW 99-349, APPROVED JULY 2, 1986—Continued

TITLE I—GENERAL SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1986	New budget (obligational) authority appropriated, 1986	Increase (+) or decrease (−), appropriations compared with estimates
UNITED STATES CUSTOMS SERVICE				
Salaries and expenses			$30,831,000	+$30,831,000
Operations and maintenance, air interdiction program			3,225,000	+3,225,000
Total, United States Customs Service			34,056,000	+34,056,000
Total, Department of the Treasury		$340,000,000	374,556,000	+34,556,000
GENERAL SERVICES ADMINISTRATION				
Federal Buildings Fund *(limitation on availability of revenue)*			*(3,500,000)*	*(+3,500,000)*
GENERAL MANAGEMENT AND ADMINISTRATION				
Salaries and Expenses *(increase in limitation)*			*(7,600,000)*	*(+7,600,000)*
OFFICE OF PERSONNEL MANAGEMENT				
FEDERAL RETIREMENT THRIFT INVESTMENT FUND				
Salaries and expenses			250,000	+250,000
Total, Chapter XI, Treasury and General Government:				
New budget *(obligational)* authority		340,000,000	374,806,000	+34,806,000
(Limitation on availability of revenue)			*(3,500,000)*	*(+3,500,000)*
(Increase in limitation)			*(7,600,000)*	*(+7,600,000)*
Grand total, all chapters:				
New Budget *(obligational)* authority *(net)*		7,747,584,000	−4,243,880,000	−11,991,464,000
Appropriations, fiscal year 1986		(8,752,944,322)	(9,672,404,322)	(+919,460,000)
Rescissions		*(−1,585,714,000)*	(−6,953,924,000)	[2](−6,953,924,000)
Appropriation applied to debt reduction		(−1,020,360,322)	(−1,020,360,322)	
Reappropriation		(15,000,000)		(−15,000,000)
Appropriations, fiscal year 1987			(100,000,000)	(+100,000,000)
Rescission			(−6,042,000,000)	(−6,042,000,000)
(Deferral disapproval)			*(4,882,344,000)*	*(+4,882,344,000)*
(Effect of new deferral)			*(−17,165,000)*	*(−17,165,000)*
(By transfer)		*(362,118,000)*	*(1,105,340,000)*	*(+743,222,000)*
(Limitation on administrative expenses, corporate funds)		*(3,429,000)*	*(3,429,000)*	
(Limitation on guaranteed loans)		*(6,500,000,000)*	*(106,580,000,000)*	*(+100,080,000,000)*
(Limitation on annual contract authority, indefinite)		*(−51,518,000)*	*(−51,518,000)*	
(Limitation on availability of revenue)			*(3,500,000)*	*(+3,500,000)*
(Increase in limitation)			*(7,600,000)*	*(+7,600,000)*
(Loan authorization)		*(−706,000,000)*	*(−2,000,000)*	*(+704,000,000)*

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[1] Requested as a permanent indefinite appropriation.

[2] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5177)

[NOTE.—The Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 (H.R. 5177) was not approved by the Congress. The bill passed the House on July 24, 1986. The Senate reported the bill on September 11, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 99-591 for those programs and activities normally included in H.R. 5177 (see pp. 189-226, this volume, for Sec. 101(a) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—AGRICULTURAL PROGRAMS			
PRODUCTION, PROCESSING AND MARKETING			
Office of the Secretary	$1,790,000	$1,623,000	−$167,000
Office of the Assistant Secretary for Administration	495,000	455,000	−40,000
Rental Payments (USDA)	57,380,000	48,728,000	−8,652,000
Building Operations and Maintenance	18,800,000	18,039,000	−761,000
Advisory Committees (USDA)	1,323,000	1,308,000	−15,000
Departmental Administration	21,920,000	21,227,000	−693,000
Working Capital Fund	6,000,000	5,708,000	−292,000
Office of the Assistant Secretary for Governmental and Public Affairs	345,000	318,000	−27,000
Office of Governmental and Public Affairs:			
Public affairs	7,624,000	7,293,000	−331,000
Legislative liaison	486,000	465,000	−21,000
Intergovernmental affairs	460,000	440,000	−20,000
Total, Office of Governmental and Public Affairs	8,570,000	8,198,000	−372,000
Office of the Inspector General	46,321,000	44,461,000	−1,860,000
Office of the General Counsel	17,430,000	17,131,000	−299,000
Office of the Assistant Secretary for Economics	485,000	448,000	−37,000
Economic Research Service	45,475,000	43,982,000	−1,493,000
National Agricultural Statistics Service	59,712,000	56,787,000	−2,925,000
World Agricultural Outlook Board	1,680,000	1,608,000	−72,000
Office of the Assistant Secretary for Science and Education	380,000	350,000	−30,000
Agricultural Research Service	511,053,000	497,664,000	−13,389,000
Special fund	2,000,000	2,000,000	
Buildings and facilities		37,400,000	+37,400,000
Total, Agricultural Research Service	513,053,000	537,064,000	+24,011,000
Cooperative State Research Service	246,356,000	300,573,000	+54,217,000
Extension Service	140,000,000	293,545,000	+153,545,000
(Transfer from food stamp program)		*(38,627,000)*	*(+38,627,000)*
Total, Extension Service	*(140,000,000)*	*(332,172,000)*	*(+192,172,000)*
National Agricultural Library	11,421,000	10,936,000	−485,000
Office of the Assistant Secretary for Marketing and Inspection Services	355,000	327,000	−28,000
Animal and Plant Health Inspection Service:			
Salaries and expenses	253,156,000	300,967,000	+47,811,000
Buildings and facilities	2,347,000	2,246,000	−101,000
Total, Animal and Plant Health Inspection Service	255,503,000	303,213,000	+47,710,000
Food Safety and Inspection Service	365,841,000	361,400,000	−4,441,000
Federal Grain Inspection Service	6,979,000	6,697,000	−282,000
Inspection and Weighing Services *(limitation on administrative expenses, from fees collected)*	*(36,829,000)*	*(36,829,000)*	
Agricultural Cooperative Service	3,698,000	4,469,000	+771,000

See footnotes at end of table, p. 3099.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5177)—Continued

[NOTE.—The Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 (H.R. 5177) was not approved by the Congress. The bill passed the House on July 24, 1986. The Senate reported the bill on September 11, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 99-591 for those programs and activities normally included in H.R. 5177 (see pp. 189-226, this volume, for Sec. 101(a) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Agricultural Marketing Service:			
Marketing Services	$31,053,000	$30,945,000	−$108,000
(Limitation on administrative expenses, from fees collected)	*(28,164,000)*	*(28,164,000)*	
Funds for strengthening markets, income, and supply *(Section 32) (by transfer)*	*(6,273,000)*	*(7,147,000)*	*(+874,000)*
Payments to States and possessions		942,000	+942,000
Office of Transportation	1,233,000	2,340,000	+1,107,000
Total, Agricultural Marketing Service	32,286,000	34,227,000	+1,941,000
Packers and Stockyards Administration	9,093,000	8,945,000	−148,000
Total, Production, Processing and Marketing	1,872,691,000	2,131,767,000	+259,076,000
FARM INCOME STABILIZATION			
Office of the Under Secretary for International Affairs and Commodity Programs	513,000	473,000	−40,000
Agricultural Stabilization and Conservation Service:			
(Transfer from Commodity Credit Corporation)	*(463,696,000)*	*(491,856,000)*	*(+28,160,000)*
Dairy indemnity program		95,000	+95,000
Total, Farm Income Stabilization	*(464,209,000)*	*(492,424,000)*	*(+28,215,000)*
CORPORATIONS			
Federal Crop Insurance Corporation:			
Administrative and operating expenses	239,885,000	209,568,000	−30,317,000
Federal crop insurance corporation fund	135,743,000	135,743,000	
Total, Federal Crop Insurance Corporation	375,628,000	345,311,000	−30,317,000
Commodity Credit Corporation:			
Reimbursement for net realized losses	[2] 19,808,806,000	[2] 19,808,806,000	
Amount available subject to budget request	*(3,000,000,000)*	*(3,000,000,000)*	
Short-term Export Credit *(limitation on guaranteed loans)*		*(5,000,000,000)*	*(+5,000,000,000)*
Intermediate Export Credit *(limitation on guaranteed loans)*		*(500,000,000)*	*(+500,000,000)*
General Sales Manager *(transfer from Commodity Credit Corporation)*	*(6,089,000)*	*(6,027,000)*	*(−62,000)*
Total, Corporations	20,184,434,000	20,154,117,000	−30,317,000
Total, title I, Agricultural Programs:			
New budget *(obligational)* authority	22,057,638,000	22,286,452,000	+228,814,000
Subject to budget request	*(3,000,000,000)*	*(3,000,000,000)*	
(By transfer)	*(476,058,000)*	*(543,657,000)*	*(+67,599,000)*
(Limitation on obligations)	*(64,993,000)*	*(64,993,000)*	
(Limitation on guaranteed loans)		*(5,500,000,000)*	*(+5,500,000,000)*
TITLE II—RURAL DEVELOPMENT PROGRAMS			
RURAL DEVELOPMENT ASSISTANCE			
Office of the Under Secretary for Small Community and Rural Development	422,000	394,000	−28,000

See footnotes at end of table, p. 3099.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5177)—Continued

[NOTE.—The Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 (H.R. 5177) was not approved by the Congress. The bill passed the House on July 24, 1986. The Senate reported the bill on September 11, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 99-591 for those programs and activities normally included in H.R. 5177 (see pp. 189-226, this volume, for Sec. 101(a) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Farmers Home Administration:			
Rural Housing Insurance Fund:			
Insured loans *(loan authorization)*		*($2,032,519,000)*	*(+$2,032,519,000)*
Site loans *(loan authorization)*		*(574,000)*	*(+574,000)*
Collection and servicing contracts *(limitation on obligations)*	*($10,000,000)*	*(10,000,000)*	
Rent supplement authorization *(limitation on obligations)*		*(160,310,000)*	*(+160,310,000)*
Reimbursement for interest and other losses	2,714,566,000	2,296,283,000	−418,283,000
Total, Rural Housing Insurance Fund:			
New budget *(obligational)* authority	2,714,566,000	2,296,283,000	−418,283,000
(Loan authorizations)		*(2,033,093,000)*	*(+2,033,093,000)*
(Limitation on obligations)	*(10,000,000)*	*(170,310,000)*	*(+160,310,000)*
Self-help Housing Land Development Fund *(loan authorization)*		*(500,000)*	*(+500,000)*
Agricultural Credit Insurance Fund:			
Farm ownership loans *(loan authorization)*:			
Insured	*(195,000,000)*	*(75,000,000)*	*(−120,000,000)*
Guaranteed	*(325,000,000)*	*(325,000,000)*	
Total, Farm ownership loans *(loan authorization)*	*(520,000,000)*	*(400,000,000)*	*(−120,000,000)*
Soil and Water Loans *(loan authorization)*:			
Insured		*(11,000,000)*	*(+11,000,000)*
Guaranteed		*(3,000,000)*	*(+3,000,000)*
Total, Soil and water loans *(loan authorization)*		*(14,000,000)*	*(+14,000,000)*
Operating loans *(loan authorization)*:			
Insured	*(1,305,000,000)*	*(1,425,000,000)*	*(+120,000,000)*
Guaranteed	*(2,175,000,000)*	*(2,170,000,000)*	*(−5,000,000)*
Total, Operating loans *(loan authorization)*	*(3,480,000,000)*	*(3,595,000,000)*	*(+115,000,000)*
Indian tribe land acquisition loans *(loan authorization)*		*(2,000,000)*	*(+2,000,000)*
Emergency disaster loans *(loan authorization)*	*(700,000,000)*	*(695,000,000)*	*(−5,000,000)*
Reimbursement for interest and other losses	2,440,203,000	1,723,403,000	−716,800,000
Total, Agricultural Credit Insurance Fund:			
New budget *(obligational)* authority	2,440,203,000	1,723,403,000	−716,800,000
(Loan authorizations)	*(4,700,000,000)*	*(4,706,000,000)*	*(+6,000,000)*
Rural Development Insurance Fund:			
Water and sewer facility loans *(loan authorization)*		*(330,380,000)*	*(+330,380,000)*
Industrial development loans *(loan authorization)*		*(95,700,000)*	*(+95,700,000)*
Community facility loans *(loan authorization)*		*(95,700,000)*	*(+95,700,000)*
Reimbursement for interest and other losses	736,619,000	656,645,000	−79,974,000
Total, Rural Development Insurance Fund:			
New budget *(obligational)* authority	736,619,000	656,645,000	−79,974,000
(Loan authorization)		*(521,780,000)*	*(+521,780,000)*

See footnotes at end of table, p. 3099.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5177)—Continued

[NOTE.—The Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 (H.R. 5177) was not approved by the Congress. The bill passed the House on July 24, 1986. The Senate reported the bill on September 11, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 99-591 for those programs and activities normally included in H.R. 5177 (see pp. 189-226, this volume, for Sec. 101(a) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Rural water and waste disposal grants		$109,395,000	+$109,395,000
Very low-income housing repair grants		12,500,000	+12,500,000
Rural housing for domestic farm labor		9,513,000	+9,513,000
Mutual and self-help housing		8,000,000	+8,000,000
Rural community fire protection grants		3,091,000	+3,091,000
Compensation for construction defects		713,000	+713,000
Rural housing preservation grants		19,140,000	+19,140,000
Salaries and expenses	$382,639,000	386,867,000	+4,228,000
(Transfer from loan accounts)	*(4,000,000)*	*(4,000,000)*	
Total, salaries and expenses	*(386,639,000)*	*(390,867,000)*	*(+4,228,000)*
Total, Farmers Home Administration:			
New budget *(obligational)* authority	6,274,027,000	5,225,550,000	−1,048,477,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(4,700,000,000)*	*(7,261,373,000)*	*(+2,561,373,000)*
(Limitation on obligations)	*(10,000,000)*	*(170,310,000)*	*(+160,310,000)*
Rural Electrification Administration:			
Rural electrification & telephone revolving fund:			
Direct loans:			
Insured loans:			
Electric	*(375,000,000)*	*(622,050,000)*	*(+247,050,000)*
Telephone	*(60,000,000)*	*(239,250,000)*	*(+179,250,000)*
Total, Insured loans *(loan authorization)*	*(435,000,000)*	*(861,300,000)*	*(+426,300,000)*
Guaranteed loans:			
Electric	*(225,000,000)*	*(813,450,000)*	*(+588,450,000)*
Telephone		*(119,625,000)*	*(+119,625,000)*
Total, Guaranteed loans *(loan authorization)*	*(225,000,000)*	*(933,075,000)*	*(+708,075,000)*
Reimbursement for interest and other losses		20,000,000	+20,000,000
Total, Rural electrification and telephone revolving fund:			
New budget *(obligational)* authority		20,000,000	+20,000,000
(Loan authorization)	*(660,000,000)*	*(1,794,375,000)*	*(+1,134,375,000)*
Rural telephone bank		28,710,000	+28,710,000
Direct loans *(limitation on obligations)*	*(139,000,000)*	*(177,045,000)*	*(+38,045,000)*
Rural communication development fund	1,591,000	1,591,000	
Salaries and expenses	26,355,000	29,447,000	+3,092,000
Total, Rural Electrification Administration:			
New budget *(obligational)* authority	27,946,000	79,748,000	+51,802,000
(Loan authorization)	*(660,000,000)*	*(1,794,375,000)*	*(+1,134,375,000)*
(Limitation on obligations)	*(139,000,000)*	*(177,045,000)*	*(+38,045,000)*
Total, Rural Development Assistance:			
New budget *(obligational)* authority	6,302,395,000	5,305,692,000	−996,703,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(5,360,000,000)*	*(9,055,748,000)*	*(+3,695,748,000)*
(Limitation on obligations)	*(149,000,000)*	*(347,355,000)*	*(+198,355,000)*

See footnotes at end of table, p. 3099.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5177)—Continued

[NOTE.—The Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 (H.R. 5177) was not approved by the Congress. The bill passed the House on July 24, 1986. The Senate reported the bill on September 11, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 99-591 for those programs and activities normally included in H.R. 5177 (see pp. 189-226, this volume, for Sec. 101(a) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
CONSERVATION			
Office of the Assistant Secretary for Natural Resources and Environment	$395,000	$363,000	−$32,000
Soil Conservation Service:			
Conservation operations	361,996,000	367,043,000	+5,047,000
River basin surveys and investigations	9,472,000	11,819,000	+2,347,000
Watershed planning	6,480,000	8,480,000	+2,000,000
Watershed and flood prevention operations	67,778,000	165,885,000	+98,107,000
(Loan authorization)		*(7,949,000)*	*(+7,949,000)*
Resource conservation and development	11,400,000	25,020,000	+13,620,000
(Loan authorization)		*(1,207,000)*	*(+1,207,000)*
Great Plains conservation program		20,474,000	+20,474,000
Total, Soil Conservation Service	457,126,000	598,721,000	+141,595,000
Agricultural Stabilization and Conservation Service:			
Agricultural conservation program		176,935,000	+176,935,000
Forestry incentives program		11,891,000	+11,891,000
Water bank program		8,371,000	+8,371,000
Colorado River Basin, salinity control program		3,804,000	+3,804,000
Total, Agricultural Stabilization and Conservation Service		201,001,000	+201,001,000
Total, Conservation:			
New budget *(obligational)* authority	457,521,000	800,085,000	+342,564,000
(Loan authorization)		*(9,156,000)*	*(+9,156,000)*
Total, title II, Rural Development Programs:			
New budget *(obligational)* authority	6,759,916,000	6,105,777,000	−654,139,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(5,360,000,000)*	*(9,064,904,000)*	*(+3,704,904,000)*
(Limitation on obligations)	*(149,000,000)*	*(347,355,000)*	*(+198,355,000)*
TITLE III—DOMESTIC FOOD PROGRAMS			
Office of the Assistant Secretary for Food and Consumer Services	358,000	330,000	−28,000
Food and Nutrition Service:			
Child nutrition programs	[3] 1,005,694,000	[3] 937,680,000	−68,014,000
(Transfer from sec. 32)	*(3,227,923,000)*	*(3,295,937,000)*	*(+68,014,000)*
Amount available subject to budget request		*(775,281,000)*	*(+775,281,000)*
Total, Child nutrition programs	*(4,233,617,000)*	*(4,233,617,000)*	
Special milk program		14,869,000	+14,869,000
Feeding program for Women, Infants and Children (WIC)	1,617,000,000	1,663,497,000	+46,497,000
Commodity supplemental food program	38,605,000	41,497,000	+2,892,000
Food stamp program	12,343,579,000	12,684,665,000	+341,086,000
Nutrition assistance for Puerto Rico	*(825,000,000)*	*(852,750,000)*	*(+27,750,000)*
Food donations programs for selected groups:			
Needy family program	55,300,000	56,432,000	+1,132,000
Elderly feeding program	132,000,000	137,157,000	+5,157,000
Total, Food donations programs	187,300,000	193,589,000	+6,289,000

See footnotes at end of table, p. 3099.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5177)—Continued

[NOTE—The Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 (H.R. 5177) was not approved by the Congress. The bill passed the House on July 24, 1986. The Senate reported the bill on September 11, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 99-591 for those programs and activities normally included in H.R. 5177 (see pp. 189-226, this volume, for Sec. 101(a) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Temporary emergency food assistance program		$50,000,000	+$50,000,000
Food program administration	$86,100,000	82,578,000	−3,522,000
Total, Food and Nutrition Service	15,278,278,000	15,668,375,000	+390,097,000
Human Nutrition Information Service	6,876,000	6,876,000	
Total, title III, Domestic Food Programs:			
New budget *(obligational)* authority	15,285,512,000	15,675,581,000	+390,069,000
Subject to budget request		*(775,281,000)*	*(+775,281,000)*
(By transfer)	*(3,227,923,000)*	*(3,295,937,000)*	*(+68,014,000)*
TITLE IV—INTERNATIONAL PROGRAMS			
Foreign Agricultural Service	71,882,000	81,109,000	+9,227,000
Public Law 480:			
Title I and III—Credit sales:			
Program level	*(944,400,000)*	*(834,727,000)*	*(−109,673,000)*
Direct loans	*(827,000,000)*	*(716,886,000)*	*(−110,114,000)*
Ocean freight differential	*(117,400,000)*	*(117,841,000)*	*(+441,000)*
Appropriation	564,400,000	454,727,000	−109,673,000
Title II—Commodities for disposition abroad:			
Program level	*(600,000,000)*	*(628,344,000)*	*(+28,344,000)*
Appropriation	600,000,000	628,344,000	+28,344,000
Total, Public Law 480:			
Program level	*(1,544,400,000)*	*(1,463,071,000)*	*(−81,329,000)*
Appropriation	1,164,400,000	1,083,071,000	−81,329,000
Office of International Cooperation and Development	3,051,000	5,035,000	+1,984,000
Scientific activities overseas *(foreign currency program)*		2,500,000	+2,500,000
Total, title IV, International Programs:			
New budget *(obligational)* authority	1,239,333,000	1,171,715,000	−67,618,000
TITLE V—RELATED AGENCIES			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration:			
Salaries and expenses	399,403,000	411,803,000	+12,400,000
Buildings and facilities	1,450,000	1,879,000	+429,000
Rental payments (FDA)	28,372,000	24,627,000	−3,745,000
Collections from user fees *(limitation on obligations)*	*(25,800,000)*		*(−25,800,000)*
Total, Food and Drug Administration	429,225,000	438,309,000	+9,084,000
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission	30,418,000	29,761,000	−657,000
Farm Credit Administration *(limitation on administrative expenses)*	*(39,420,000)*	*(39,420,000)*	
Total, title V, Related Agencies:			
New budget *(obligational)* authority	459,643,000	468,070,000	+8,427,000
(Limitation on obligations)	*(65,220,000)*	*(39,420,000)*	*(−25,800,000)*

See footnotes at end of table, p. 3099.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5177)—Continued

[NOTE.—The Department of Agriculture, Rural Development, and Related Agencies Appropriation Bill, 1987 (H.R. 5177) was not approved by the Congress. The bill passed the House on July 24, 1986. The Senate reported the bill on September 11, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 99-591 for those programs and activities normally included in H.R. 5177 (see pp. 189-226, this volume, for Sec. 101(a) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE VI—GENERAL PROVISIONS			
SOIL CONSERVATION SERVICE			
Watershed and flood prevention operations		$10,000,000	+$10,000,000
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE			
Emergency conservation programs		10,000,000	+10,000,000
Emergency assistance to agricultural producers *(by transfer)*		*(400,000,000)*	*(+400,000,000)*
Total, title VI, General Provisions		20,000,000	+20,000,000
Grand total, all titles:			
New budget *(obligational)* authority	$45,802,042,000	45,727,595,000	−74,447,000
Subject to budget request	*(3,000,000,000)*	*(3,775,281,000)*	*(+775,281,000)*
(By transfer)	*(3,707,981,000)*	*(4,243,594,000)*	*(+535,613,000)*
(Loan authorization)	*(5,360,000,000)*	*(9,064,904,000)*	*(+3,704,904,000)*
(Limitation on obligations)	*(279,213,000)*	*(451,768,000)*	*(+172,555,000)*
(Limitation on guaranteed loans)		*(5,500,000,000)*	*(+5,500,000,000)*

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[1] Includes the following budget amendment:

H. Doc. 99-259:	
Department of Health and Human Services:	
Food and Drug Administration:	
Program expenses	$5,625,000

[2] Estimate and appropriation includes $3,000,000,000 available subject to submission of budget request, which was not submitted at the time this bill was approved. The estimate was allegedly submitted in the President's fiscal year 1988 budget (H. Doc. 100-3) by increasing the amount of new budget *(obligational)* authority in the fiscal year 1987 column. The usual supplemental request was not received by the Congress. Estimate also includes $15,536,817,000 requested in the President's Budget for 1987 (H. Doc. 99-144) as borrowing authority under "Permanent Federal funds".

[3] Estimate and appropriation includes $775,281,000 available subject to submission of budget request, which was not submitted at the time this bill was approved. An estimate of $735,024,000 was allegedly submitted in the President's fiscal year 1988 budget (H. Doc. 100-3) by increasing the amount of new budget *(obligational)* authority in the fiscal year 1987 column. The usual supplemental request was not received by the Congress. An amount of $40,257,000 remains available subject to budget request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5161)

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 (H.R. 5161) was not approved by the Congress. The bill passed the House on July 17, 1986. The Senate reported the bill on September 3, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 99-591 for those programs and activities normally included in H.R. 5161 (see pp. 226-267, this volume, for Sec. 101(b) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF COMMERCE			
GENERAL ADMINISTRATION			
Salaries and expenses	$39,250,000	$36,300,000	$2,950,000
BUREAU OF THE CENSUS			
Salaries and expenses	91,675,000	90,780,000	895,000
Periodic censuses and programs	185,555,000	172,000,000	13,555,000
Total, Bureau of the Census	277,230,000	262,780,000	14,450,000
ECONOMIC AND STATISTICAL ANALYSIS			
Salaries and expenses	31,005,000	30,000,000	1,005,000
ECONOMIC DEVELOPMENT ADMINISTRATION			
Economic development assistance programs		180,443,000	+180,443,000
(Limitation on loan guarantees)		*(150,000,000)*	*(+150,000,000)*
Salaries and expenses		25,000,000	+25,000,000
Total, Economic Development Administration		205,443,000	+205,443,000
REGIONAL DEVELOPMENT PROGRAM			
Regional Development Programs *(rescission)*		1,576,000	1,576,000
INTERNATIONAL TRADE ADMINISTRATION			
Operations and administration	179,170,000	[2] 197,500,000	+18,330,000
Rescission		−8,100,000	−8,100,000
Total, International Trade Administration *(net)*	179,170,000	[2] 189,400,000	+10,230,000
MINORITY BUSINESS DEVELOPMENT AGENCY			
Minority business development	45,369,000	39,675,000	−5,694,000
UNITED STATES TRAVEL AND TOURISM ADMINISTRATION			
Salaries and expenses	4,023,000	11,500,000	+7,477,000
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION			
Operations, research, and facilities	836,479,000	1,038,588,000	+202,109,060
Aviation weather services program *(Airport and Airways Trust Fund)*	77,500,000	29,000,000	−48,500,000
(By transfer from Promote and Develop Fund)	*(46,000,000)*	*(51,800,000)*	*(+5,800,000)*
(By transfer from Coastal Energy Impact Fund)	*(8,300,000)*	*(9,673,000)*	*(+1,373,000)*
(By transfer from Fisheries Loan Fund)	*(1,800,000)*	*(1,800,000)*	
Fishermen's contingency fund		750,000	+750,000
Foreign fishing observer fund	2,000,000	2,000,000	
Fishermen's guaranty fund	1,800,000	1,800,000	
Total, National Oceanic and Atmospheric Administration	917,779,000	1,072,138,000	+154,359,000
(By transfer)	*(56,100,000)*	*(63,273,000)*	*(+7,173,000)*
PATENT AND TRADEMARK OFFICE			
Salaries and expenses	109,632,000	98,000,000	−11,632,000

See footnotes at end of table, p. 3106.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5161)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 (H.R. 5161) was not approved by the Congress. The bill passed the House on July 17, 1986. The Senate reported the bill on September 3, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 99-591 for those programs and activities normally included in H.R. 5161 (see pp. 226-267, this volume, for Sec. 101(b) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (–), appropriations compared with estimates
NATIONAL BUREAU OF STANDARDS			
Scientific and technical research and services	$123,953,000	$122,000,000	–$1,953,000
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION			
Salaries and expenses	13,916,000	13,000,000	–916,000
Public telecommunications facilities, planning and construction		20,500,000	+20,500,000
Total, National Telecommunications and Information Administration	13,916,000	33,500,000	+19,584,000
Total, title I, Department of Commerce:			
New budget (*obligational*) authority (*net*)	1,741,327,000	2,099,160,000	+357,833,000
Appropriations	(1,741,327,000)	(2,108,836,000)	(+367,509,000)
Rescissions		(–9,676,000)	(–9,676,000)
(By transfer)	*(56,100,000)*	*(63,273,000)*	*(+7,173,000)*
(Limitation on loan guarantees)		*(150,000,000)*	*(+150,000,000)*
TITLE II—DEPARTMENT OF JUSTICE			
GENERAL ADMINISTRATION			
Salaries and expenses	73,708,000	67,000,000	–6,708,000
UNITED STATES PAROLE COMMISSION			
Salaries and expenses	10,420,000	10,300,000	–120,000
LEGAL ACTIVITIES			
Salaries and expenses, general legal activities	230,284,000	208,934,000	–21,350,000
Salaries and expenses, Antitrust Division	46,609,000	43,000,000	–3,609,000
Salaries and expenses, United States attorneys	353,815,000	320,000,000	–33,815,000
Salaries and expenses, oversight of bankruptcy cases	11,663,000	11,500,000	–163,000
Salaries and expenses, Foreign Claims Settlement Commission	596,000	564,000	–32,000
Salaries and expenses, United States Marshals Service	176,759,000	142,000,000	–34,759,000
Support of United States prisoners	58,180,000	55,000,000	–3,180,000
Fees and expenses of witnesses	34,676,000	52,187,000	+17,511,000
Salaries and expenses, Community Relations Service	32,009,000	29,637,000	–2,372,000
Assets forfeiture fund:			
Definite	10,000,000	(3)	–10,000,000
Indefinite	25,000,000	(3)	–25,000,000
Total, assets forfeiture fund	35,000,000	(3)	–35,000,000
Total, Legal Activities	979,591,000	862,822,000	–116,769,000
FEDERAL BUREAU OF INVESTIGATION			
Salaries and expenses	1,278,410,000	1,260,000,000	–18,410,000
DRUG ENFORCEMENT ADMINISTRATION			
Salaries and expenses	411,329,000	412,000,000	+671,000
Construction		7,500,000	+7,500,000
Total, Drug Enforcement Administration	411,329,000	419,500,000	+8,171,000

See footnotes at end of table, p. 3106.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5161)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 (H.R. 5161) was not approved by the Congress. The bill passed the House on July 17, 1986. The Senate reported the bill on September 3, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 99-591 for those programs and activities normally included in H.R. 5161 (see pp. 226-267, this volume, for Sec. 101(b) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
IMMIGRATION AND NATURALIZATION SERVICE			
Salaries and expenses	$609,393,000	$593,000,000	−$16,393,000
FEDERAL PRISON SYSTEM			
Salaries and expenses	598,807,000	598,807,000	
National Institute of Corrections	9,495,000	9,000,000	−495,000
Buildings and facilities	159,152,000	122,511,000	−36,641,000
Federal Prison Industries, Incorporated: *(Limitation on administrative and vocational training expenses)*	*(9,365,000)*	*(9,365,000)*	
Total, Federal Prison System	767,454,000	730,318,000	−37,136,000
OFFICE OF JUSTICE PROGRAMS			
Justice Assistance	74,400,000	190,650,000	+116,250,000
(Limitation on obligations)	*(35,000,000)*	*(64,000,000)*	*(+29,000,000)*
Total, title II, Department of Justice:			
New budget *(obligational)* authority	4,204,705,000	4,133,590,000	−71,115,000
Definite	(4,179,705,000)	(4,133,590,000)	(−46,115,000)
Indefinite	(25,000,000)		(−25,000,000)
(Limitation on obligations)	*(44,365,000)*	*(73,365,000)*	*(+29,000,000)*
TITLE III—DEPARTMENT OF STATE			
ADMINISTRATION OF FOREIGN AFFAIRS			
Salaries and expenses	1,841,559,000	1,527,000,000	−314,559,000
Representation allowances	4,897,000	4,460,000	−437,000
Protection of foreign missions and officials	10,300,000	9,100,000	−1,200,000
Acquisition and maintenance of buildings abroad	1,362,120,000	440,000,000	−922,120,000
Counterterrorism research and development	20,000,000		−20,000,000
Emergencies in the diplomatic and consular service	4,400,000	4,000,000	−400,000
Payment to the American Institute in Taiwan	11,100,000	9,379,000	−1,721,000
Payment to the Foreign Service Retirement and Disability Fund	127,398,000	127,398,000	
Total, Administration of Foreign Affairs	3,381,774,000	2,121,337,000	−1,260,437,000
INTERNATIONAL ORGANIZATIONS AND CONFERENCES			
Contributions to international organizations	432,930,000	385,000,000	−47,930,000
Contributions for international peacekeeping activities	53,900,000	29,400,000	−24,500,000
International conferences and contingencies	6,391,000	5,460,000	−931,000
Total, International Organizations and Conferences	493,221,000	419,860,000	−73,361,000
INTERNATIONAL COMMISSIONS			
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses	10,600,000	10,800,000	+200,000
Construction	4,200,000	3,900,000	−300,000
Total, International Boundary and Water Commission, United States and Mexico	14,800,000	14,700,000	−100,000

See footnotes at end of table, p. 3106.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5161)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 (H.R. 5161) was not approved by the Congress. The bill passed the House on July 17, 1986. The Senate reported the bill on September 3, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 99-591 for those programs and activities normally included in H.R. 5161 (see pp. 226-267, this volume, for Sec. 101(b) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
American sections, international commissions	$3,900,000	$3,700,000	−$200,000
International fisheries commissions	11,000,000	10,800,000	−200,000
Total, international commissions	29,700,000	29,200,000	−500,000
OTHER			
United States Bilateral Science and Technology Agreements	2,000,000	1,900,000	−100,000
Payment to the Asia Foundation	9,500,000	8,800,000	−700,000
Soviet-East European research and training	4,000,000	4,600,000	+600,000
Total, title III, Department of State, new budget *(obligational)* authority	3,920,195,000	2,585,697,000	−1,334,498,000
TITLE IV—THE JUDICIARY			
SUPREME COURT OF THE UNITED STATES			
Salaries and expenses	14,631,000	14,600,000	−31,000
Care of the building and grounds	2,455,000	2,279,000	−176,000
Total, Supreme Court of the United States	17,086,000	16,879,000	−207,000
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT			
Salaries and expenses	7,290,000	6,800,000	−490,000
UNITED STATES COURT OF INTERNATIONAL TRADE			
Salaries and expenses	7,546,000	7,000,000	−546,000
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES			
Salaries and expenses:			
Salaries of judges	105,000,000	105,000,000	
Other salaries and expenses	877,000,000	824,500,000	−52,500,000
Total, salaries and expenses	982,000,000	929,500,000	−52,500,000
Defender services	74,785,000	68,378,000	−6,407,000
Fees of jurors and commissioners	48,200,000	44,635,000	−3,565,000
Court security	39,950,000	36,000,000	−3,950,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	1,144,935,000	1,078,513,000	−66,422,000
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS			
Salaries and expenses	32,100,000	29,500,000	−2,600,000
FEDERAL JUDICIAL CENTER			
Salaries and expenses	10,226,000	9,600,000	−626,000
BICENTENNIAL EXPENSES, THE JUDICIARY			
Bicentennial activities	1,500,000	1,000,000	−500,000
(By transfer)	*(500,000)*	*(500,000)*	

See footnotes at end of table, p. 3106.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5161)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 (H.R. 5161) was not approved by the Congress. The bill passed the House on July 17, 1986. The Senate reported the bill on September 3, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 99-591 for those programs and activities normally included in H.R. 5161 (see pp. 226-267, this volume, for Sec. 101(b) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
UNITED STATES SENTENCING COMMISSION			
Salaries and expenses	$6,500,000	$5,800,000	$700,000
Total, title IV, the Judiciary:			
New budget (obligational) authority	1,227,183,000	1,155,092,000	-72,091,000
(By transfer)	*(500,000)*	*(500,000)*	
TITLE V—RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Operating-differential subsidies *(liquidation of contract authority)*	*(320,000,000)*	*(320,000,000)*	
Research and development	5,500,000	3,500,000	-2,000,000
Operations and training	53,343,000	64,000,000	+10,657,000
Total, Department of Transportation	58,843,000	67,500,000	+8,657,000
ARMS CONTROL AND DISARMAMENT AGENCY			
Arms control and disarmament activities	31,000,000	29,000,000	2,000,000
BOARD FOR INTERNATIONAL BROADCASTING			
Grants and expenses	167,509,000	140,000,000	27,509,000
(Limitation on expenditures)		*(15,000,000)*	*(+15,000,000)*
CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION			
Salaries and expenses	220,000	220,000	
COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION			
Salaries and expenses	12,000,000	13,200,000	+1,200,000
COMMISSION ON CIVIL RIGHTS			
Salaries and expenses	12,576,000	7,500,000	-5,076,000
COMMISSION ON SECURITY AND COOPERATION IN EUROPE			
Salaries and expenses	625,000	526,000	-99,000
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION			
Salaries and expenses	167,691,000	165,000,000	-2,691,000
FEDERAL COMMUNICATIONS COMMISSION			
Salaries and expenses	97,242,000	95,000,000	-2,242,000
FEDERAL MARITIME COMMISSION			
Salaries and expenses	11,940,000	11,600,000	-340,000
FEDERAL TRADE COMMISSION			
Salaries and expenses	69,045,000	65,000,000	-4,045,000

See footnotes at end of table, p. 3106.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5161)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 (H.R. 5161) was not approved by the Congress. The bill passed the House on July 17, 1986. The Senate reported the bill on September 3, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 99-591 for those programs and activities normally included in H.R. 5161 (see pp. 226-267, this volume, for Sec. 101(b) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
INTERNATIONAL TRADE COMMISSION			
Salaries and expenses	$33,700,000	$33,900,000	+$200,000
JAPAN—UNITED STATES FRIENDSHIP COMMISSION			
Japan—United States Friendship Trust Fund	1,550,000	1,408,000	−142,000
(Foreign currency appropriation)		*(1,200,000)*	*(+1,200,000)*
LEGAL SERVICES CORPORATION			
Payment to the Legal Services Corporation	[4] 305,500,000	305,500,000	
MARINE MAMMAL COMMISSION			
Salaries and expenses	848,000	900,000	+52,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE			
Salaries and expenses	12,216,000	13,300,000	+1,084,000
SECURITIES AND EXCHANGE COMMISSION			
Salaries and expenses	110,050,000	110,500,000	+450,000
SMALL BUSINESS ADMINISTRATION			
Salaries and expenses	212,300,000	197,000,000	−15,300,000
(By transfer)		*(92,000,000)*	*(+92,000,000)*
Business loan and investment fund	2,552,896,000	261,000,000	−2,291,896,000
Surety bond guarantees revolving fund	17,425,000	9,497,000	−7,928,000
Pollution control equipment contract guarantee revolving fund	21,000,000	14,245,000	−6,755,000
Total, Small Business Administration	2,803,621,000	481,742,000	−2,321,879,000
STATE JUSTICE INSTITUTE			
Salaries and expenses	[5] 9,834,000	7,200,000	−2,634,000
UNITED STATES INFORMATION AGENCY			
Salaries and expenses	608,883,000	570,000,000	−38,883,000
Educational and cultural exchange programs	166,566,000	145,000,000	−21,566,000
Radio construction	151,708,000	66,000,000	−85,708,000
Definite	(131,708,000)	(46,000,000)	(−85,708,000)
Indefinite	(20,000,000)	(20,000,000)	
Radio broadcasting to Cuba	11,639,000	11,250,000	−389,000
East-West Center	20,288,000	20,000,000	−288,000
National endowment for democracy	20,111,000	15,000,000	−5,111,000
Total, United States Information Agency	979,195,000	827,250,000	−151,945,000
Appropriations, definite	(959,195,000)	(807,250,000)	(−151,945,000)
Appropriations, indefinite	(20,000,000)	(20,000,000)	
Total, title V, Related Agencies:			
New budget *(obligational)* authority	4,885,205,000	2,376,246,000	−2,508,959,000
Appropriations, definite	(4,865,205,000)	(2,356,246,000)	(−2,508,959,000)
Appropriations, indefinite	(20,000,000)	(20,000,000)	
(By transfer)		*(92,000,000)*	*(+92,000,000)*
(Liquidation of contract authority)	*(320,000,000)*	*(320,000,000)*	
(Foreign currency availability)		*(1,200,000)*	*(+1,200,000)*
(Limitation on obligations)		*(15,000,000)*	*(+15,000,000)*

See footnotes at end of table, p. 3106.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5161)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1987 (H.R. 5161) was not approved by the Congress. The bill passed the House on July 17, 1986. The Senate reported the bill on September 3, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 99-591 for those programs and activities normally included in H.R. 5161 (see pp. 226-267, this volume, for Sec. 101(b) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE VIII			
JAMES MADISON MEMORIAL FELLOWSHIP			
James Madison Memorial Trust Fund:			
Advance appropriation, fiscal year 1988		$10,000,000	+$10,000,000
Advance appropriation, fiscal year 1989		10,000,000	+10,000,000
Total, James Maidson Memorial Trust Fund		20,000,000	+20,000,000
Constitutional Law Resource Centers, advance appropriation, fiscal year 1988		3,200,000	+3,200,000
Total, title VIII, James Madison Memorial Fellowship:			
New budget *(obligational)* authority		23,200,000	+23,200,000
Advance appropriations, fiscal year 1988		(13,200,000)	(+13,200,000)
Advance appropriation, fiscal year 1989		(10,000,000)	(+10,000,000)
Grand total, all titles:			
New budget *(obligational)* authority *(net)*	$15,978,615,000	12,372,985,000	−3,605,630,000
Appropriations, fiscal year 1987	(15,978,615,000)	(12,359,461,000)	(−3,619,154,000)
Definite	(15,933,615,000)	(12,339,461,000)	(−3,594,154,000)
Indefinite	(45,000,000)	(20,000,000)	(−25,000,000)
Rescissions		(−9,676,000)	(−9,676,000)
Advance appropriations, fiscal year 1988		(13,200,000)	(+13,200,000)
Advance appropriation, fiscal year 1989		(10,000,000)	(+10,000,000)
(By transfer)	*(56,600,000)*	*(155,773,000)*	*(+99,173,000)*
(Limitation on guaranteed loans)		*(150,000,000)*	*(+150,000,000)*
(Limitation on obligations)	*(44,365,000)*	*(88,365,000)*	*(+44,000,000)*
(Appropriations to liquidate contract authorizations)	*(320,000,000)*	*(320,000,000)*	
(Foreign currency availability)		*(1,200,000)*	*(+1,200,000)*

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[1] Includes the following budget amendments:

H. Doc. 99-171:	
The Judiciary:	
Supreme Court of the United States:	
Salaries and expenses	−$601,000
H. Doc. 99-219:	
The Judiciary:	
Courts of Appeals, District Courts, and other Judicial Services:	
Salaries of judges	−105,000,000
Salaries of supporting personnel	−534,300,000
Expenses of operation and maintenance of the courts	−160,500,000
Other salaries and expenses	982,000,000
Space and facilities	−182,200,000
Other Independent Agencies:	
International Trade Commission:	
Salaries and expenses	4,000,000
Total, H. Doc. 99-219 *(net)*	4,000,000
H. Doc. 99-239:	
Other Independent Agencies:	
Federal Communications Commission:	
Salaries and expenses	879,000
H. Doc. 99-267:	
Department of Justice:	
Legal Activities:	
Salaries and expenses	$6,000,000
Drug Enforcement Administration:	
Salaries and expenses	26,000,000
Total, H. Doc. 99-267	32,000,000
Total, budget amendments *(net)*	68,278,000

[2] In addition, $1,500,000 available by transfer from the Department of Defense Appropriation Bill, 1987, "Operation and Maintenance, Defense Agencies" (see p. 271, this volume).

[3] Assets forfeiture fund appropriated in Title II, Fourth Further Continuing Appropriations, 1987 (see p. 523, this volume).

[4] Reflects budget estimate as submitted to Congress by the Corporation pursuant to Sec. 1005(d) of Public Law 93-355. The President's budget for fiscal year 1987 (H. Doc. 99-14) did not request any funds for the Corporation.

[5] Reflects budget estimate as submitted to Congress by the State Justice Institute pursuant to Sec. 205(c) of Public Law 98-620. The President's budget for fiscal year 1987 (H. Doc. 99-14) did not request any funds for the Institute.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1987 (H.R. 5438)

[NOTE.—The Department of Defense Appropriation Bill, 1987 (H.R. 5438), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 14, 1986. S. 2827 was reported by the Committee on Appropriations of the Senate on September 17, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(c) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(c) of Public Law 99-591 for those programs and activities normally included in H.R. 5438 (see pp. 268-357, this volume, for Sec. 101(c) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (-), appropriations compared with estimates
TITLE I			
MILITARY PERSONNEL			
Military Personnel, Army	$22,655,000,000	$22,353,990,000	-$301,010,000
Military Personnel, Navy	17,459,500,000	17,104,850,000	-354,650,090
Military Personnel, Marine Corps	5,333,400,000	5,266,053,000	-67,347,000
Military Personnel, Air Force	19,290,500,000	18,940,731,000	-349,769,000
Reserve Personnel, Army	2,432,000,000	2,323,210,000	-108,790,000
Reserve Personnel, Navy	1,527,600,000	1,464,453,000	-63,147,000
Reserve Personnel, Marine Corps	314,800,000	303,968,000	-10,832,000
Reserve Personnel, Air Force	646,000,000	629,200,000	-16,800,000
National Guard Personnel, Army	3,485,200,000	3,323,145,000	-162,055,000
National Guard Personnel, Air Force	1,058,900,000	1,027,778,000	-31,122,000
Total, title I, Military Personnel:			
New budget *(obligational)* authority	74,202,900,000	72,737,378,000	-1,465,522,000
TITLE II			
OPERATION AND MAINTENANCE			
Operation and Maintenance, Army	21,341,870,000	20,022,399,000	-1,319,471,000
Operation and Maintenance, Navy	25,688,500,000	22,939,674,000	-2,748,826,000
Operation and Maintenance, Marine Corps	1,864,100,000	1,793,750,000	-70,350,000
Operation and Maintenance, Air Force	21,214,500,000	18,636,816,000	-2,577,684,000
Operation and Maintenance, Defense Agencies	8,573,700,000	7,978,674,000	-595,026,000
Operation and Maintenance, Army Reserve	793,100,000	769,966,000	-23,134,000
Operation and Maintenance, Navy Reserve	975,900,000	884,097,000	-91,803,000
Operation and Maintenance, Marine Corps Reserve	65,300,000	63,875,000	-1,425,000
Operation and Maintenance, Air Force Reserve	975,600,000	911,200,000	-64,400,000
Operation and Maintenance, Army National Guard	1,786,900,000	1,734,447,000	-52,453,000
Operation and Maintenance, Air National Guard	1,932,700,000	1,755,658,000	-177,042,000
National Board for the Promotion of Rifle Practice, Army	930,000	4,316,000	+3,386,000
Claims, Defense	155,600,000	144,400,000	-11,200,000
Court of Military Appeals, Defense	3,400,000	3,200,000	-200,000
Tenth International Pan American Games	15,000,000	15,000,000	
Environmental Restoration, Defense	385,900,000	375,900,000	-10,000,000
Humanitarian Assistance		10,000,000	+10,000,000
Reappropriation		7,000,000	+7,000,000
Total, title II, Operation and Maintenance:			
New budget *(obligational)* authority	85,773,000,000	78,050,372,000	-7,722,628,000
Appropriations	(85,773,000,000)	(78,043,372,000)	(-7,729,628,000)
Reappropration		(7,000,000)	(+7,000,000)
TITLE III			
PROCUREMENT			
Aircraft Procurement, Army	3,264,700,000	2,762,750,000	-501,950,000
Missile Procurement, Army	2,438,200,000	2,206,800,000	-231,400,000
Procurement of Weapons and Tracked Combat Vehicles, Army	4,452,600,000	3,804,300,000	-648,300,000
Procurement of Ammunition, Army	2,254,000,000	2,087,150,000	-166,850,000
Other Procurement, Army	6,169,000,000	5,118,752,000	-1,050,248,000
Aircraft Procurement, Navy	11,304,300,000	9,794,262,000	-1,510,038,000
Weapons Procurement, Navy	6,095,400,000	5,290,847,000	-804,553,000
Shipbuilding and Conversion, Navy	11,046,200,000	10,210,989,000	-835,211,000
Other Procurement, Navy	6,538,800,000	6,033,371,000	-505,429,000

See footnotes at end of table, p. 3110.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1987 (H.R. 5438)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1987 (H.R. 5438), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 14, 1986. S. 2827 was reported by the Committee on Appropriations of the Senate on September 17, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(c) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(c) of Public Law 99-591 for those programs and activities normally included in H.R. 5438 (see pp. 268-357, this volume, for Sec. 101(c) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Coastal Defense Augmentation		$200,000,000	+$200,000,000
Procurement, Marine Corps	$1,565,000,000	1,465,215,000	−99,785,000
Aircraft Procurement, Air Force	19,127,400,000	17,131,281,000	1,996,119,000
Missile Procurement, Air Force	8,982,400,000	7,446,718,000	1,535,682,000
Other Procurement, Air Force	10,900,300,000	9,254,941,000	1,645,359,000
National Guard and Reserve Equipment		557,000,000	+557,000,000
Procurement, Defense Agencies	1,488,400,000	1,498,256,000	+9,856,000
Defense Production Act Purchase	30,000,000	13,000,000	17,000,000
Total, title III, Procurement: New budget *(obligational)* authority	95,656,700,000	84,875,632,000	10,781,068,000
TITLE IV			
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION			
Research, Development, Test, and Evaluation, Army	5,550,300,000	4,556,076,000	994,224,000
Research, Development, Test, and Evaluation, Navy	10,586,800,000	9,326,418,000	−1,260,382,000
Research, Development, Test, and Evaluation, Air Force	17,275,400,000	15,062,783,000	−2,212,617,000
Research, Development, Test, and Evaluation, Defense Agencies	8,364,300,000	6,742,091,000	1,622,209,000
Developmental Test and Evaluation, Defense	141,800,000	105,546,000	36,254,000
Operational Test and Evaluation, Defense	11,300,000	11,300,000	
Total, title IV, Research, Development, Test, and Evaluation: New budget *(obligational)* authority	41,929,900,000	35,804,214,000	6,125,686,000
TITLE V			
SPECIAL FOREIGN CURRENCY PROGRAM			
Special foreign currency program	3,500,000	3,500,000	
TITLE VI			
REVOLVING AND MANAGEMENT FUNDS			
Army Stock Fund	296,700,000	110,100,000	−186,600,000
Navy Stock Fund	478,500,000	352,570,000	−125,930,000
Marine Corps Stock Fund	45,900,000	822,000	−45,078,000
Air Force Stock Fund	239,400,000	139,980,000	−99,420,000
Defense Stock Fund	136,800,000	47,200,000	−89,600,000
Total, title VI, Revolving and Management Funds: New budget *(obligational)* authority	1,197,300,000	650,672,000	546,628,000
TITLE VII			
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE			
Operation and maintenance	60,500,000	59,900,000	−600,000
Research, development, test, and evaluation	9,800,000	9,600,000	−200,000
Procurement	49,800,000	49,200,000	−600,000
Total, title VII, Chemical Agents and Munitions Destruction, Defense: New budget *(obligational)* authority	[2] 120,100,000	118,700,000	−1,400,000

See footnotes at end of table, p. 3110.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1987 (H.R. 5438)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1987 (H.R. 5438), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 14, 1986. S. 2827 was reported by the Committee on Appropriations of the Senate on September 17, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(c) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(c) of Public Law 99-591 for those programs and activities normally included in H.R. 5438 (see pp. 268-357, this volume, for Sec. 101(c) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (-), appropriations compared with estimates
TITLE VIII			
RELATED AGENCIES			
Central Intelligence Agency Retirement and Disability System Fund	$125,800,000	$125,800,000	
Intelligence Community Staff	22,938,000	21,738,000	-$1,200,000
The Barry Goldwater Scholarship and Excellence in Education Fund		40,000,000	+40,000,000
The Henry M. Jackson Foundation		10,000,000	+10,000,000
Total, title VIII, Related Agencies: New budget *(obligational)* authority	148,738,000	197,538,000	+48,800,000
TITLE IX			
GENERAL PROVISIONS			
(Additional transfer authority, sec. 9015)	*(1,200,000,000)*	*(1,100,000,000)*	*(-100,000,000)*
Rescissions *(sec. 9046)*:			
Aircraft procurement, Army, 1985/1987		-15,600,000	-15,600,000
Aircraft procurement, Army, 1986/1988		-78,800,000	-78,800,000
Missile procurement, Army, 1985/1987		-32,800,000	-32,800,000
Missile procurement, Army, 1986/1988		-66,800,000	-66,800,000
Procurement of weapons and tracked combat vehicles, Army, 1985/1987		-25,100,000	-25,100,000
Procurement of weapons and tracked combat vehicles, Army, 1986/1988		-188,200,000	-188,200,000
Procurement of ammunition, Army, 1985/1987		-33,000,000	-33,000,000
Procurement of ammunition, Army, 1986/1988		-39,562,000	-39,562,000
Other procurement, Army, 1985/1987		-45,400,000	-45,400,000
Other procurement, Army, 1986/1988		-133,300,000	-133,300,000
Aircraft procurement, Navy, 1985/1987		-170,700,000	-170,700,000
Aircraft procurement, Navy, 1986/1988		-408,200,000	-408,200,000
Weapons procurement, Navy, 1985/1987		-59,500,000	-59,500,000
Weapons procurement, Navy, 1986/1988		-185,100,000	-185,100,000
Shipbuilding and conversion, Navy, 1983/1987		-338,500,600	-338,500,000
Shipbuilding and conversion, Navy, 1984/1988		-53,000,000	-53,000,000
Shipbuilding and conversion, Navy, 1985/1989		-141,100,000	-141,100,000
Shipbuilding and conversion, Navy, 1986/1990		-737,900,000	-737,900,000
Other procurement, Navy, 1985/1987		-18,434,000	-18,434,000
Other procurement, Navy, 1986/1988		-214,769,000	-214,769,000
Procurement, Marine Corps, 1985/1987		-7,100,000	-7,100,000
Procurement, Marine Corps, 1986/1988		-19,400,000	-19,400,000
Aircraft procurement, Air Force, 1985/1987		-513,300,000	-513,300,000
Aircraft procurement, Air Force, 1986/1988		-619,500,000	-619,500,000
Missile procurement, Air Force, 1985/1987		-41,600,000	-41,600,000
Missile procurement, Air Force, 1986/1988		-629,700,000	-629,700,000
Other procurement, Air Force, 1985/1987		-68,611,000	-68,611,000
Other procurement, Air Force, 1986/1988		-122,900,000	-122,900,000
Research, development, test and evaluation, Army, 1986/1987		-45,523,000	-45,523,000
Research, development, test and evaluation, Navy, 1986/1987		-54,878,000	-54,878,000
Research, development, test and evaluation, Air Force, 1986/1987		-167,000,000	-167,000,000
Research, development, test and evaluation, Defense Agencies, 1986/1987		-48,400,000	-48,400,000

See footnotes at end of table, p. 3110.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1987 (H.R. 5438)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1987 (H.R. 5438), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 14, 1986. S. 2827 was reported by the Committee on Appropriations of the Senate on September 17, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(c) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(c) of Public Law 99-591 for those programs and activities normally included in H.R. 5438 (see pp. 268-357, this volume, for Sec. 101(c) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Director of developmental test and evaluation, Defense, 1986/1987		−$200,000	−$200,000
Total, rescissions		−5,323,877,000	−5,323,877,000
Military and Civilian Pay Raise *(sec. 9094)*	([3])	1,911,000,000	+1,911,000,000
Retired pay accrual change *(sec. 9131)*		−350,000,000	−350,000,000
Total, title IX, General Provisions:			
New budget *(obligational)* authority *(net)*		−3,762,877,000	−3,762,877,000
Appropriations		(1,561,000,000)	(+1,561,000,000)
Rescissions		(−5,323,877,000)	(−5,323,877,000)
(Transfer authority)	*($1,200,000,000)*	*(1,100,000,000)*	*(−100,000,000)*
RECAPITULATION			
Title I—Military Personnel	74,202,900,000	72,737,378,000	−1,465,522,000
Title II—Operation and Maintenance	85,773,000,000	78,050,372,000	−7,722,628,000
Title III—Procurement	95,656,700,000	84,875,632,000	10,781,068,000
Title IV—Research, Development, Test, and Evaluation	41,929,900,000	35,804,214,000	−6,125,686,000
Title V—Special foreign currency program	3,500,000	3,500,000	
Title VI—Revolving and management funds	1,197,300,000	650,672,000	−546,628,000
Title VII—Chemical Agents and Munitions Destruction, Defense	120,100,000	118,700,000	−1,400,000
Title VIII—Related agencies	148,738,000	197,538,000	+48,800,000
Title IX—General provisions *(net)*		−3,762,877,000	−3,762,877,000
(Additional transfer authority, sec. 9015)	*(1,200,000,000)*	*(1,100,000,000)*	*(−100,000,000)*
Total, Department of Defense:			
New budget *(obligational)* authority *(net)*	299,032,138,000	268,675,129,000	−30,357,069,000
Appropriations	(299,032,138,000)	(273,999,006,000)	(−25,033,132,000)
Rescissions		(−5,323,877,000)	(−5,323,877,000)
(Transfer authority)	*(1,200,000,000)*	*(1,100,000,000)*	*(−100,000,000)*
Distribution by organizational component:			
Army	76,920,500,000	71,177,401,000	−5,743,099,000
Rescission		−704,085,000	−704,085,000
Navy	100,890,000,000	92,495,214,000	−8,394,786,000
Rescission		−2,408,581,000	−2,408,581,000
Air Force	101,643,100,000	90,937,086,000	−10,706,014,000
Rescission		−2,162,611,000	−2,162,611,000
Defense Agencies/OSD	19,309,700,000	16,955,067,000	−2,354,633,000
Rescission		−48,600,000	−48,600,000
Reserve & National Guard *(procurement)*		557,000,000	+557,000,000
Chemical Agents and Munitions Destruction, Defense	120,100,000	118,700,000	−1,400,000
Related agencies	148,738,000	197,538,000	+48,800,000
Military and civilian pay raise		1,911,000,000	+1,911,000,000
Retired pay accrual		−350,000,000	−350,000,000
Total, Department of Defense:			
New budget *(obligational)* authority *(net)*	299,032,138,000	268,675,129,000	−30,357,009,000
Appropriations	(299,032,138,000)	(273,992,006,000)	(−25,040,132,000)
Rescissions		(−5,323,877,000)	(−5,323,877,000)
Reappropriation		**(7,000,000)**	**(+7,000,000)**
(Transfer authority)	*(1,200,000,000)*	*(1,100,000,000)*	*(−100,000,000)*

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[1] Includes the following budget amendment:
H. Doc. 99-275:
Department of Defense—Military:
Procurement:
Defense Production Act purchase *(earmarking of funds)* .... *($3,000,000)*

[2] Submitted in the budget request as a line item in Title III—Procurement.

[3] $3,250,000,000 was proposed in the contingency column of the budget.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1987 (H.R. 5175)

[NOTE.—The District of Columbia Appropriation Bill, 1987 (H.R. 5175) was not approved by the Congress. The bill passed the House on July 24, 1986, and passed the Senate, amended, on Aug 12, 1986. The proceedings of August 12, 1986 were vitiated on Aug 13, 1986, and passed the Senate, amended on Aug 16, 1986. The Senate asked for a conference on September 16, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(d) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(d) of Public Law 99-591 for those programs and activities normally included in H.R. 5175 (see pp. 357-370, this volume, for Sec. 101(d) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1, 2]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
FISCAL YEAR 1987 APPROPRIATIONS			
FEDERAL FUNDS			
Federal payment to the District of Columbia	$444,500,000	$444,500,000	
Federal payment for water and sewer services	28,810,000	28,810,000	
Federal contribution to retirement funds	52,070,000	52,070,000	
Transitional payment for Saint Elizabeths Hospital	35,000,000	35,000,000	
Criminal justice initiative, advance appropriation, fiscal year 1988		20,000,000	+$20,000,000
Total, Federal funds to District of Columbia	560,380,000	580,380,000	+20,000,000
Appropriations, fiscal year 1987	(560,380,000)	(560,380,000)	
Advance appropriation, fiscal year 1988		(20,000,000)	(+20,000,000)
DISTRICT OF COLUMBIA FUNDS			
OPERATING EXPENSES			
Governmental direction and support	*(108,353,000)*	*(108,407,000)*	*(+54,000)*
Economic development and regulation	*(129,460,000)*	*(128,960,000)*	*(−500,000)*
Public safety and justice	*(580,665,000)*	*(600,165,000)*	*(+19,500,000)*
Public education system	*(540,872,000)*	*(541,318,000)*	*(+446,000)*
Human support services	*(654,315,000)*	*(654,315,000)*	
Public works	*(204,748,000)*	*(204,748,000)*	
Washington Convention Center Fund	*(6,261,000)*	*(6,261,000)*	
Repayment of loans and interest	*(204,514,000)*	*(204,514,000)*	
Repayment of general fund deficit	*(8,675,000)*	[3] *(8,675,000)*	
Short-term borrowings	*(3,750,000)*	*(3,750,000)*	
Total, operating expenses, general fund	*(2,441,613,000)*	*(2,461,113,000)*	*(+19,500,000)*
CAPITAL OUTLAY			
General fund	*(310,551,000)*	*(361,860,000)*	*(+51,309,000)*
ENTERPRISE FUNDS			
Water and sewer enterprise fund:			
Operating expenses	*(176,876,000)*	*(176,876,000)*	
Capital outlay	*(54,850,000)*	*(54,850,000)*	
Total, water and sewer enterprise fund	*(231,726,000)*	*(231,726,000)*	
Lottery and Charitable Games enterprise fund	*(5,458,000)*	*(5,458,000)*	
Cable Television enterprise fund	*(250,000)*	*(250,000)*	
Total, enterprise funds	*(237,434,000)*	*(237,434,000)*	
Total, District of Columbia funds	*(2,989,598,000)*	*(3,060,407,000)*	*(+70,809,000)*
Total, title I, fiscal year 1987 appropriations:			
Federal funds to the District of Columbia	560,380,000	580,380,000	+20,000,000
Appropriations, fiscal year 1987	(560,380,000)	(560,380,000)	
Advance appropriation, fiscal year 1988		(20,000,000)	(+20,000,000)
District of Columbia funds	*(2,989,598,000)*	*(3,060,407,000)*	*(+70,809,000)*

See footnotes at end of table, p. 3112.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1987 (H.R. 5175)—Continued

[NOTE.—The District of Columbia Appropriation Bill, 1987 (H.R. 5175) was not approved by the Congress. The bill passed the House on July 24, 1986, and passed the Senate, amended, on Aug 12, 1986. The proceedings of August 12, 1986 were vitiated on Aug 13, 1986, and passed the Senate, amended on Aug 16, 1986. The Senate asked for a conference on September 16, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(d) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(d) of Public Law 99-591 for those programs and activities normally included in H.R. 5175 (see pp. 357-370, this volume, for Sec. 101(d) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1] [2]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II			
FISCAL YEAR 1986 SUPPLEMENTAL			
DISTRICT OF COLUMBIA FUNDS			
OPERATING EXPENSES			
Governmental direction and support	($1,738,000)	($1,738,000)	
Economic development and regulation	(5,658,000)	(5,658,000)	
Public safety and justice	(47,093,000)	(47,093,000)	
(Rescission)	(−12,735,000)	(−12,735,000)	
Public education system	(92,000)	(92,000)	
Human support services	(3,545,000)	(3,545,000)	
(Rescission)	(−1,982,000)	(−1,982,000)	
(Rescission—revenue sharing trust fund)	[4](−2,463,000)	[4](−2,463,000)	
Public works	(4,216,000)	(4,216,000)	
Washington Convention Center fund	(150,000)	(150,000)	
Repayment of loans and interest *(rescission)*	(−16,316,000)	(−16,316,000)	
Personal Services	(1,000,000)	(1,000,000)	
(Rescission)	(−3,423,000)	(−3,423,000)	
Adjustments—Object Class 30A *(energy) (rescission)*	(−1,000,000)	(−1,000,000)	
Repayment of General Fund Deficit	(5,000,000)		(−$5,000,000)
Total, operating expenses, general fund *(net)*	(33,036,000)	(28,036,000)	(−5,000,000)
CAPITAL OUTLAY			
General fund	(126,791,000)	(126,791,000)	
ENTERPRISE FUNDS			
Water and sewer enterprise fund	(300,000)	(300,000)	
Total, title II, fiscal year 1986 supplemental:			
District of Columbia funds *(net)*	(160,127,000)	(155,127,000)	(−5,000,000)
Appropriations	(195,583,000)	(190,583,000)	(−5,000,000)
Rescissions	(−35,456,000)	(−35,456,000)	
RECAPITULATION			
Grand total, all titles:			
Federal funds to the District of Columbia	560,380,000	580,380,000	+20,000,000
Appropriations, fiscal year 1987	(560,380,000)	(560,380,000)	
Advance appropriation, fiscal year 1988		(20,000,000)	(+20,000,000)
District of Columbia Funds *(net)*	(3,149,725,000)	(3,215,534,000)	(+65,809,000)
Appropriations, fiscal year 1987	(2,989,598,000)	(3,060,407,000)	(+70,809,000)
Appropriations, fiscal year 1986 supplemental *(net)*	(160,127,000)	(155,127,000)	(−5,000,000)
Appropriations	(195,583,000)	(190,583,000)	(−5,000,900)
Rescissions	(−35,456,000)	(−35,456,000)	

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[1] Includes the following budget amendments:
H. Doc. 99-246:
District of Columbia funds:

Governmental direction and support	($1,738,000)
Economic development and regulation	(5,658,000)
Public safety and justice	(47,093,000)
(Rescission)	(−12,735,000)
Public education system	(92,000)
Human support services	(3,545,000)
(Rescission)	(−1,982,000)
(Rescission—revenue sharing trust fund) (non-add)	(−2,463,000)
Public works	(4,216,000)
Washington Convention Center Fund	(150,000)
Repayment of loans and interest	(−16,316,000)
Personal services	(1,000,000)
(Rescission)	(−3,423,000)
Adjustments *(rescission)*	(−1,000,000)
Repayment of General Fund Deficit	($5,000,000)
Capital outlay	(126,791,000)
Water and Sewer Enterprise Fund	(300,000)
Total, budget amendments *(net)*	(160,127,000)

[2] The following amendment was not considered in H.R. 5175 due to technical misinterpretation by the President's Office of Management and Budget (see p. 10 of House Report No. 99-675):
H. Doc. 99-184:

Federal payment to the District of Columbia	−$20,000,000

[3] In addition, $11,325,000 to be derived from amounts otherwise available including amounts appropriated in the accompanying bill or revenue otherwise available, or both.

[4] Does not add to totals.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1987 (H.R. 5162)

[NOTE.—The Energy and Water Development Appropriation Bill, 1987 (H.R. 5162 was not approved by the Congress. The bill passed the House on July 23, 1986. The Senate reported the bill on September 15, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(e) of Public Laws 99-500 and 99-591 approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(e) of Public Law 99-591 for those programs and activities normally included in H.R. 5162 (see pp. 371-389, this volume, for Sec. 101(e) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
CORPS OF ENGINEERS—CIVIL			
General investigations	$127,000,000	$136,287,000	+$9,287,000
Construction, general	1,072,500,000	1,152,150,000	+79,650,000
Flood control and coastal emergencies	25,000,000	10,000,000	−15,000,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	298,000,000	310,797,000	+12,797,000
Operation and maintenance, general	1,420,000,000	1,389,846,000	−30,154,000
Revolving Fund	12,000,000	12,000,000	
General expenses	115,000,000	115,000,000	
Total, title I, Department of Defense—Civil, new budget *(obligational)* authority	3,069,500,000	3,126,080,000	+56,580,000
TITLE II—DEPARTMENT OF THE INTERIOR			
BUREAU OF RECLAMATION			
General investigations	27,820,000	29,409,000	+1,589,000
Construction program	576,759,000	602,158,000	+25,399,000
Operation and maintenance	150,000,000	140,000,000	−10,000,000
Loan program	38,021,000	37,480,000	−541,000
(Limitation on direct loans)	*(43,806,000)*	*(43,806,000)*	
General administrative expenses	51,200,000	51,200,000	
Emergency fund	1,000,000	1,000,000	
Working Capital fund	6,400,000	6,400,000	
Total, Bureau of Reclamation	851,200,000	867,647,000	+16,447,000
Total, title II, Department of the Interior:			
New budget *(obligational)* authority	851,200,000	867,647,000	+16,447,000
(Limitation on direct loans)	*(43,806,000)*	*(43,806,000)*	
TITLE III—DEPARTMENT OF ENERGY			
Energy Supply, Research and Development Activities:			
Operating Expenses	1,062,807,000	1,064,518,000	+1,711,000
Plant and Capital Equipment	191,355,000	282,530,000	+91,175,000
(By transfer)		*(684,158,000)*	*(+684,158,000)*
Subtotal	1,254,162,000	1,347,048,000	+92,886,000
Uranium Supply and Enrichment Activities:			
Operating Expenses	1,271,100,000	1,187,600,000	−83,500,000
Plant and Capital Equipment	15,300,000	22,800,000	+7,500,000
Subtotal	1,286,400,000	1,210,400,000	−76,000,000
Gross revenues	−1,286,400,000	−1,286,400,000	
Net appropriation		−76,000,000	−76,000,000
General Science and Research Activities:			
Operating Expenses	604,900,000	547,900,000	−57,000,000
Plant and Capital Equipment	168,500,000	160,500,000	−8,000,000
Subtotal	773,400,000	708,400,000	−65,000,000

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[1] See footnote at end of table, p. 3115.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1987 (H.R. 5162)—Continued

[NOTE.—The Energy and Water Development Appropriation Bill, 1987 (H.R. 5162 was not approved by the Congress. The bill passed the House on July 23, 1986. The Senate reported the bill on September 15, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(e) of Public Laws 99-500 and 99-591 approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(e) of Public Law 99-591 for those programs and activities normally included in H.R. 5162 (see pp. 371-389, this volume, for Sec. 101(e) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Nuclear Waste Disposal Fund	$769,349,000	$499,000,000	−$270,349,000
Atomic Energy Defense Activites:			
Operating Expenses	6,523,694,000	6,009,875,000	−513,819,000
Plant and Capital Equipment	1,706,306,000	1,467,875,000	−238,431,000
Subtotal	8,230,000,000	7,477,750,000	−752,250,000
Departmental Administration:			
Operating Expenses	395,116,000	387,645,000	−7,471,000
Plant and Capital Equipment	7,913,000	7,913,000	
Subtotal	403,029,000	395,558,000	−7,471,000
Miscellaneous revenues	−251,947,000	−251,947,000	
Net appropriation	151,082,000	143,611,000	−7,471,000
POWER MARKETING ADMINISTRATIONS			
Operation and maintenance, Alaska Power Administration	2,881,000	2,881,000	
Bonneville Power Administration Fund *(limitation on direct loans)*	*(20,000,000)*	*(10,000,000)*	*(−10,000,000)*
Operation and maintenance, Southeastern Power Administration	19,647,000	19,647,000	
Operation and maintenance, Southwestern Power Administration	25,337,000	25,337,000	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	236,846,000	236,846,000	
(By transfer, permanent authority)	*(3,463,000)*	*(3,463,000)*	
Subtotal	284,711,000	284,711,000	
FEDERAL ENERGY REGULATORY COMMISSION			
Salaries and expenses	99,079,000	99,079,000	
Revenues Applied	−78,754,000	−78,754,000	
Subtotal	20,325,000	20,325,000	
GEOTHERMAL RESOURCES DEVELOPMENT FUND			
Geothermal loan guarantee and interest assistance program	72,000	72,000	
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	
Total, title III, Department of Energy:			
New budget *(obligational)* authority	11,483,101,000	10,404,917,000	−1,078,184,000
(By transfer)	*(3,463,000)*	*(687,621,000)*	*(+684,158,000)*
(Limitation on direct loans)	*(20,000,000)*	*(10,000,000)*	*(−10,000,000)*
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	
TITLE IV—INDEPENDENT AGENCIES			
Appalachian Regional Commission:			
Appalachian regional development programs		105,000,000	+105,000,000
Delaware River Basin Commission:			
Salaries and expenses	185,000	185,000	
Contribution to Delaware River Basin Commission	200,000	200,000	
Total, Delaware River Basin Commission	385,000	385,000	

See footnote at end of table, p. 3115.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1987 (H.R. 5162)—Continued

[NOTE.—The Energy and Water Development Appropriation Bill, 1987 (H.R. 5162 was not approved by the Congress. The bill passed the House on July 23, 1986. The Senate reported the bill on September 15, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(e) of Public Laws 99-500 and 99-591 approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(e) of Public Law 99-591 for those programs and activities normally included in H.R. 5162 (see pp. 371-389, this volume, for Sec. 101(e) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Interstate Commission on the Potomac River Basin, contribution to Interstate Commission on the Potomac River Basin		$79,000	+$79,000
National Council on Public Works Improvements, salaries and expenses	$2,500,000	1,750,000	−750,000
Nuclear Regulatory Commission, salaries and expenses	405,000,000	401,000,000	−4,000,000
Susquehanna River Basin Commission:			
Salaries and expenses	179,000	179,000	
Contribution to Susquehanna River Basin Commission	240,000	240,000	
Total, Susquehanna River Basin Commission	419,000	419,000	
Tennessee Valley Authority, Tennessee Valley Authority Fund	58,038,000	100,000,000	+41,962,000
Total, title IV, Independent agencies, new budget *(obligational)* authority	466,342,000	608,633,000	+142,291,000
Grand total, all titles:			
New budget *(obligational)* authority	15,870,143,000	15,007,277,000	−862,866,000
(By transfer)	*(3,463,000)*	*(687,621,000)*	*(+684,158,000)*
(Limitation on direct loans)	*(63,806,000)*	*(53,806,000)*	*(−10,000,000)*
(Limitation on guaranteed loans)	*(500,000,000)*	*(500,000,000)*	

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[1] Includes the following budget amendments:

H. Doc. 99-239:	
Other Independent Agencies:	
Temporary Study Commissions:	
National Council on Public Works Improvement	$2,500,000
H. Doc. 99-257:	
Department of Energy:	
Energy Programs:	
Federal Energy Regulatory Commission	2,139,000
Power Marketing Administration:	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	$20,300,000
Total, H. Doc. 99-257	22,439,000
H. Doc. 99-275:	
Department of Energy:	
Energy Programs:	
Nuclear waste disposal fund	−58,900,000
Total, budget amendments *(net)*	−33,961,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1987 (H.R. 5339)

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1987 (H.R. 5339) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 5, 1986. S. 2824 was reported by the Committee on Appropriations of the Senate on September 16, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 99-591 for those programs and activities normally included in H.R. 5339 (see pp. 389-415, this volume, for Sec. 101(f) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—MULTILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
INTERNATIONAL FINANCIAL INSTITUTIONS			
WORLD BANK GROUP			
Contribution to the International Bank for Reconstruction and Development:			
Paid-in capital	$182,845,991	$55,805,000	−$127,040,991
(Limitation on callable capital subscriptions)	*(2,105,188,054)*	*(688,261,667)*	*(−1,416,926,387)*
Total, contribution to the International Bank for Reconstruction and Development	*(2,288,034,045)*	*(744,066,667)*	*(−1,543,967,378)*
Budget authority	182,845,991	55,805,000	−127,040,991
(Limitation on callable capital)	*(2,105,188,054)*	*(688,261,667)*	*(−1,416,926,387)*
Contribution to the International Development Association	750,000,000	622,623,251	−127,376,749
Contribution to the International Finance Corporation	35,033,000		−35,033,000
Contribution to the Special Facility for Sub-Saharan Africa		64,805,000	+64,805,000
Contribution to Multilateral Investment Guarantee Agency:			
Paid-in capital	44,403,116		−44,403,116
(Limitation on callable capital)	*(177,612,464)*		*(−177,612,464)*
Total, contributions World Bank Group	*(3,295,082,625)*	*(1,431,494,918)*	*(−1,863,587,707)*
Budget authority	1,012,282,107	743,233,251	−269,048,856
(Limitation on callable capital)	*(2,282,800,518)*	*(688,261,667)*	*(−1,594,538,851)*
Contribution to the Inter-American Development Bank:			
Fund for special operations	72,500,000	17,263,000	−55,237,000
Inter-regional paid-in capital	58,000,983	16,417,000	−41,583,983
Inter-American Investment Corporation	13,000,000		−13,000,000
(Limitation on callable capital subscriptions)	*(1,230,964,704)*	*(1,111,561,128)*	*(−119,403,576)*
Total, contribution to the Inter-American Development Bank	*(1,374,465,687)*	*(1,145,241,128)*	*(−229,224,559)*
Budget authority	143,500,983	33,680,000	−109,820,983
(Limitation on callable capital)	*(1,230,964,704)*	*(1,111,561,128)*	*(−119,403,576)*
Contribution to the Asian Development Bank:			
Paid-in capital	13,232,676	13,232,676	
Development fund	130,000,000	91,406,000	−38,594,000
(Limitation on callable capital subscriptions)	*(251,367,220)*	*(251,367,220)*	
Total, contribution to the Asian Development Bank	*(394,599,896)*	*(356,005,896)*	*(−38,594,000)*
Budget authority	143,232,676	104,638,676	−38,594,000
(Limitation on callable capital)	*(251,367,220)*	*(251,367,220)*	
Contribution to the African Development Fund	75,000,000	53,788,000	−21,212,000
Contribution to the African Development Bank:			
Paid-in capital	17,986,359	13,988,000	−3,998,359
(Limitation on callable capital)	*(53,960,034)*	*(41,980,980)*	*(−11,979,054)*
Total, contributions to the African Development Bank	*(71,946,393)*	*(55,968,980)*	*(−15,977,413)*
Budget authority	17,986,359	13,988,000	−3,998,359
(Limitation on callable capital)	*(53,960,034)*	*(41,980,980)*	*(−11,979,054)*

See footnotes at end of table, p. 3119.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1987 (H.R. 5339)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1987 (H.R. 5339) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 5, 1986. S. 2824 was reported by the Committee on Appropriations of the Senate on September 16, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 99-591 for those programs and activities normally included in H.R. 5339 (see pp. 389-415, this volume, for Sec. 101(f) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Total, contribution to International Financial Institutions	*($5,211,094,601)*	*($3,042,498,922)*	*(−$2,168,595,679)*
Budget authority	1,392,002,125	949,327,927	−442,674,198
(Limitation on callable capital)	*(3,819,092,476)*	*(2,093,170,995)*	*(−1,725,921,481)*
DEPARTMENT OF STATE			
International organizations and programs	210,500,000	237,264,000	+26,764,000
Total, title I, contribution for Multilateral Economic Assistance	*(5,421,594,601)*	*(3,279,762,922)*	*(−2,141,831,679)*
Budget authority	1,602,502,125	1,186,591,927	−415,910,198
(Limitation on callable capital)	*(3,819,092,476)*	*(2,093,170,995)*	*(−1,725,921,481)*
TITLE II—BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Agriculture, rural development and nutrition, Development Assistance	709,900,000	639,613,000	−70,287,000
Population, Development Assistance	250,000,000	234,625,000	−15,375,000
Health, Development Assistance	150,843,000	166,762,500	+15,919,500
Child Survival Fund	25,000,000	75,000,000	+50,000,000
Education and human resources development, Development Assistance	179,789,000	155,000,000	−24,789,000
Energy and selected development activities, Development Assistance	217,210,000	140,328,500	−76,881,500
Science and technology, Development Assistance	14,258,000	9,661,500	−4,596,500
Private sector revolving fund *(by transfer)*	*(13,500,000)*	*(15,553,000)*	*(+2,053,000)*
(Limitation on direct loans)	*(15,000,000)*		*(−15,000,000)*
Total, development assistance	1,547,000,000	1,420,990,500	−126,009,500
American schools and hospitals abroad	10,000,000	35,000,000	+25,000,000
International disaster assistance	25,000,000	70,000,000	+45,000,000
Sahel development program	80,000,000	70,000,000	−10,000,000
Payment to the Foreign Service Retirement and Disability Fund	45,492,000	45,492,000	
AID deobligate/reobligate reappropriation (sec. 515) *(indefinite)*		[2] 100,000,000	+100,000,000
Operating expenses of the Agency for International Development	388,900,000	340,600,000	−48,300,000
Operating expenses of the Agency for International Development Office of the Inspector General	21,750,000	21,000,000	−750,000
Housing and other credit guaranty programs:			
Loan reserve	10,000,000		−10,000,000
(Limitation on guaranteed loans)		*(145,464,000)*	*(+145,464,000)*
Subtotal, Agency for International Development	2,128,142,000	2,103,082,500	−25,059,500
Economic support fund	4,093,800,000	3,550,000,000	−543,800,000
Total, Agency for International Development	6,221,942,000	5,653,082,500	−568,859,500
AFRICAN DEVELOPMENT FOUNDATION			
Appropriations	6,500,000	6,500,000	

See footnotes at end of table, p. 3119.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1987 (H.R. 5339)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1987 (H.R. 5339) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 5, 1986. S. 2824 was reported by the Committee on Appropriations of the Senate on September 16, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 99-591 for those programs and activities normally included in H.R. 5339 (see pp. 389-415, this volume, for Sec. 101(f) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
INTER-AMERICAN FOUNDATION			
Appropriations	$10,800,000	$11,800,000	+$1,000,000
OVERSEAS PRIVATE INVESTMENT CORPORATION			
(Limitation on direct loans)	*(15,000,000)*	*(23,000,000)*	*(+8,000,000)*
(Limitation on guaranteed loans)	*(150,000,000)*	*(200,000,000)*	*(+50,000,000)*
Total, Funds Appropriated to the President	6,239,242,000	5,671,382,500	-567,859,500
INDEPENDENT AGENCY			
Peace Corps	126,200,000	130,000,000	+3,800,000
DEPARTMENT OF STATE			
International narcotics control	65,445,000	65,445,000	
Migration and refugee assistance	347,525,000	346,856,000	-669,000
United States Emergency Refugee and Migration Assistance Fund	25,000,000	14,000,000	-11,000,000
Anti-terrorism assistance	9,840,000	9,840,000	
Peacekeeping operations	39,000,000	31,689,000	-7,311,000
Total, Department of State	486,810,000	467,830,000	-18,980,000
Total, title II, Bilateral Economic Assistance:			
New budget *(obligational)* authority	6,852,252,000	6,269,212,500	-583,039,500
Definite	(6,852,252,000)	(6,169,212,500)	(-683,039,500)
Indefinite		(100,000,000)	(+100,000,000)
(By transfer)	*(13,500,000)*	*(15,553,000)*	*(+2,053,000*
(Limitation on direct loans)	*(30,000,000)*	*(23,000,000)*	*(-7,000,000)*
(Limitation on guaranteed loans)	*(150,000,000)*	*(345,464,000)*	*(+195,464,000)*
TITLE III—MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Military Assistance	1,046,450,000	900,000,000	-146,450,000
International Military Education and Training	68,830,000	56,000,000	-12,830,000
Foreign Military Credit Sales, direct credits and forgiven loans	5,611,000,000	4,040,441,284	-1,570,558,716
Special Defense Acquisition Fund *(limitation on obligations)*	*(350,000,000)*	*(315,820,000)*	*(-34,180,000)*
Total, title III, military assistance programs	6,726,280,000	4,996,441,284	-1,729,838,716
(Limitation on obligations)	*(350,000,000)*	*(315,820,000)*	*(-34,180,000)*
TITLE IV—EXPORT ASSISTANCE			
EXPORT-IMPORT BANK OF THE UNITED STATES			
Limitation of Program Activity:			
New budget *(obligational)* authority		[3] 900,000,000	+900,000,000
(Limitation on direct loans)		[3] *(900,000,000)*	*(+900,000,000)*
(Limitation on guaranteed loans)	*(12,000,000,000)*	*(11,355,000,000)*	*(-645,000,000)*
(Limitation on administrative expenses)	*(19,175,000)*	*(18,371,500)*	*(-803,500)*
Total, Export-Import Bank:			
New budget *(obligational)* authority		900,000,000	+900,000,000
(Limitations on use of corporate funds)	*(12,019,175,000)*	*(12,273,371,500)*	*(+254,196,500)*

See footnotes at end of table, p. 3119.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS BILL, 1987 (H.R. 5339)—Continued

[NOTE.—The Foreign Assistance and Related Programs Appropriations Bill, 1987 (H.R. 5339) was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 5, 1986. S. 2824 was reported by the Committee on Appropriations of the Senate on September 16, 1986. The bill was not acted on by the full Senate nor acted on by the House of Representatives. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 99-591 for those programs and activities normally included in H.R. 5339 (see pp. 389-415, this volume, for Sec. 101(f) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
FUNDS APPROPRIATED TO THE PRESIDENT			
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Trade and development	$18,000,000	$20,000,000	+$2,000,000
Trade credit insurance program *(limitation on program activity)*	*(300,000,000)*	*(275,000,000)*	*(−25,000,000)*
DEPARTMENT OF THE TREASURY			
Fair Export Financing Program	300,000,000	....	−300,000,000
Total, title IV, export assistance:			
New budget *(obligational)* authority	318,000,000	920,000,000	+602,000,000
(Limitation on direct loans)	....	*(900,000,000)*	*(+900,000,000)*
(Limitation on guaranteed loans)	*(12,000,000,000)*	*(11,355,000,000)*	*(−645,000,000)*
(Limitation on administrative expenses)	*(19,175,000)*	*(18,371,500)*	*(−803,500)*
(Limitation on program activity)	*(300,000,000)*	*(275,000,000)*	*(−25,000,000)*
RECAPITULATION			
Grand total, all titles:			
New budget *(obligational)* authority	15,499,034,125	13,372,245,711	−2,126,788,414
Definite	(15,499,034,125)	(13,272,245,711)	(−2,226,788,414)
Indefinite	....	(100,000,000)	(+100,000,000)
(By transfer)	*(13,500,000)*	*(15,553,000)*	*(+2,053,000*
(Limitation on guaranteed loans)	*(12,150,000,000)*	*(11,700,464,000)*	*(−449,536,000)*
(Limitation on direct loans)	*(30,000,000)*	*(923,000,000)*	*(+893,000,000)*
(Limitation on callable capital)	*(3,819,092,476)*	*(2,093,170,995)*	*(−1,725,921,481)*
(Limitation on obligations)	*(350,000,000)*	*(315,820,000)*	*(−34,180,000)*
(Limitation on administrative expenses)	*(19,175,000)*	*(18,371,500)*	*(−803,500)*
(Limitation on program activity)	*(300,000,000)*	*(275,000,000)*	*(−25,000,000)*

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[1] Includes the following budget amendments:

H. Doc. 99-219:	
Funds Appropriated to the President:	
International Development Assistance:	
Trade Credit Insurance Program *(limitation of program activity)*	*($300,000,000)*
H. Doc. 99-220:	
Funds Appropriated to the President:	
International Development Assistance:	
International organizations and programs	24,500,000
S. Doc. 99-29:	
Funds Appropriated to the President:	
International Security Assistance:	
Military assistance	$50,000,000
Foreign military sales credit	−50,000,000
Total, budget amendments *(net)*	24,500,000

[2] Reappropriation amount is estimated.

[3] Export-Import Bank budget authority in fiscal year 1987 is calculated as equal to the level of direct loans. Offsetting receipts calculated in previous years will no longer be included in setting new budget authority levels.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5313)

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1987 (H.R. 5313) was not approved by the Congress. The bill passed the House on September 12, 1986. The Senate passed the bill, amended, on October 3, 1986. A conference report (House Report No. 99-977) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 99-591 for those programs and activities normally included in H.R. 5313 (see p. 416, this volume, for Sec. 101(a) of Public Law 99-591, and pp. 59-89 for text of H.R. 5313).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing:			
(Increased limitation on annual contract authority)	*($382,570,377)*	*($601,259,278)*	*(+$218,688,901)*
Contract authority	2,529,164,000	7,805,668,000	+5,276,504,000
Rescission of assisted housing deobligations *(contract authority, indefinite)*	*(−264,362,000)*	[2] −199,100,000	[3] −199,100,000
(Rescission of assisted housing deobligations annual contract authority, indefinite)	*(−14,400,400)*	*(−12,225,000)*	*(+2,175,400)*
Total, annual contributions for assisted housing:			
(Increased limitation on annual contract authority (net))	*(368,169,977)*	*(589,034,278)*	*(+220,864,301)*
Contract authority *(net)*	2,529,164,000	7,606,568,000	+5,077,404,000
Rent supplement *(limitation on annual contract authority, indefinite)*	*(−2,900,000)*	*(−2,900,000)*	
Rental housing assistance *(rescission of contract authority, indefinite)*	*(−54,000,000)*	[2] −54,000,000	[3] −54,000,000
(Limitation on annual contract authority, indefinite)	*(−3,500,000)*	*(−3,500,000)*	
Housing for the elderly or handicapped fund *(authority to borrow, indefinite)*		507,689,000	+507,689,000
(Limitation on direct loans)	*(30,262,000)*	*(592,661,000)*	*(+562,399,000)*
Congregate services		3,400,000	+3,400,000
Payments for operation of low-income housing projects	1,171,543,000	1,350,000,000	+178,457,000
Housing counseling assistance		3,500,000	+3,500,000
Federal Housing Administration Fund	272,955,000	272,955,000	
Portion applied to debt reduction	−245,915,000	−245,915,000	
(Limitation on guaranteed loans)	*(90,000,000,000)*	*(100,000,000,000)*	*(+10,000,000,000)*
Temporary mortgage assistance payments *(limitation on direct loans)*	*(73,800,000)*	*(73,800,000)*	
Total, Federal Housing Administration Fund	27,040,000	27,040,000	
Nonprofit sponsor assistance *(limitation on direct loans)*		*(1,000,000)*	*(+1,000,000)*
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION			
Payment of participation sales insufficiencies	1,079,000	1,079,000	
Guarantees of mortgage-backed securities *(limitation on guaranteed loans)*	*(125,000,000,000)*	*(150,000,000,000)*	*(+25,000,000,000)*
Total, Housing Programs *(net)*	3,728,826,000	9,445,276,000	+5,716,450,000

See footnotes at end of table, p. 3124.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5313)—Continued

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1987 (H.R. 5313) was not approved by the Congress. The bill passed the House on September 12, 1986. The Senate passed the bill, amended, on October 3, 1986. A conference report (House Report No. 99-977) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 99-591 for those programs and activities normally included in H.R. 5313 (see p. 416, this volume, for Sec. 101(a) of Public Law 99-591, and pp. 59-89 for text of H.R. 5313).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
COMMUNITY PLANNING AND DEVELOPMENT			
Community development grants	$2,624,800,000	$3,000,000,000	+$375,200,000
(Limitation on guaranteed loans)		*(150,000,000)*	*(+150,000,000)*
Urban development action grants		225,000,000	+225,000,000
Urban homesteading	12,000,000	12,000,000	
Homeless Housing Programs *(sec. 526)*		15,000,000	+15,000,000
Total, Community Planning and Development	2,636,800,000	3,252,000,000	+615,200,000
POLICY DEVELOPMENT AND RESEARCH			
Research and technology	18,900,000	17,000,000	−1,900,000
FAIR HOUSING AND EQUAL OPPORTUNITY			
Fair housing assistance	5,000,000	6,341,300	+1,341,300
MANAGEMENT AND ADMINISTRATION			
Salaries and expenses	314,056,000	340,423,000	+26,367,000
(By transfer, limitation on FHA corporate funds)	*(291,224,000)*	*(306,962,000)*	*(+15,738,000)*
Total, title I, Department of Housing and Urban Development:			
New budget *(obligational)* authority *(net)*	6,703,582,000	13,061,040,300	+6,357,458,300
Appropriations	(4,420,333,000)	(5,246,698,300)	(+826,365,300)
Portion applied to debt reduction	(−245,915,000)	(−245,915,000)	
Contract authority	(2,529,164,000)	(7,805,668,000)	(+5,276,504,000)
Rescission of contract authority, indefinite	*(−318,362,000)*	(−253,100,000)	[3](−253,100,000)
Authority to borrow		(507,689,000)	(+507,689,000)
(Increased limitation on annual contract authority (net))	*(368,169,977)*	*(589,034,278)*	*(+220,864,301)*
(Limitation on annual contract authority, indefinite)	*(−6,400,000)*	*(−6,400,000)*	
(Limitation on direct loans)	*(104,062,000)*	*(667,461,000)*	*(+563,399,000)*
(Limitation on guaranteed loans)	*(215,000,000,000)*	*(250,150,000,000)*	*(+35,150,000,000)*
(Limitation on corporate funds to be expended)	*(291,224,000)*	*(306,962,000)*	*(+15,738,000)*
TITLE II			
INDEPENDENT AGENCIES			
AMERICAN BATTLE MONUMENTS COMMISSION			
Salaries and expenses	11,673,000	11,673,000	
CONSUMER PRODUCT SAFETY COMMISSION			
Salaries and expenses	33,000,000	34,100,000	+1,100,000
DEPARTMENT OF DEFENSE—CIVIL			
CEMETERIAL EXPENSES, ARMY			
Salaries and expenses	15,783,000	15,783,000	

See footnotes at end of table, p. 3124.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5313)—Continued

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1987 (H.R. 5313) was not approved by the Congress. The bill passed the House on September 12, 1986. The Senate passed the bill, amended, on October 3, 1986. A conference report (House Report No. 99-977) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 99-591 for those programs and activities normally included in H.R. 5313 (see p. 416, this volume, for Sec. 101(a) of Public Law 99-591, and pp. 59-89 for text of H.R. 5313).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (–), appropriations compared with estimates
ENVIRONMENTAL PROTECTION AGENCY			
Salaries and expenses	$687,947,000	$701,107,000	+$13,160,000
Research and development	192,734,000	202,500,000	+9,766,000
Abatement, control, and compliance	490,785,000	582,685,000	+91,900,000
Buildings and facilities	5,000,000	7,500,000	+2,500,000
Subtotal, operating programs	1,376,466,000	1,493,792,000	+117,326,000
Payment to the hazardous substance response trust fund	*(33,000,000)*		*(–33,000,000)*
Leaking underground storage tank trust fund		50,000,000	+50,000,000
(Limitation on administrative expenses)		*(7,000,000)*	*(+7,000,000)*
Hazardous substance response trust fund	1,050,000,000	1,411,300,000	+361,300,000
Rescission		–600,000,000	–600,000,000
(Limitation on administrative expenses)		*(135,000,000)*	*(+135,000,000)*
Construction grants	1,800,000,000	1,800,000,000	
(Release of prior year authority)		*(600,000,000)*	*(+600,000,000)*
Total, Environmental Protection Agency *(net)*	4,226,466,000	4,155,092,000	–71,374,000
EXECUTIVE OFFICE OF THE PRESIDENT			
Council on Environmental Quality and Office of Environmental Quality	820,000	800,000	–20,000
Office of Science and Technology Policy	1,671,000	1,900,000	+229,000
Total, Executive Office of the President	2,491,000	2,700,000	+209,000
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Disaster relief	100,000,000	120,000,000	+20,000,000
Salaries and expenses	118,507,000	124,000,000	+5,493,000
Emergency management planning and assistance	250,743,000	262,000,000	+11,257,000
Emergency food and shelter program		70,000,000	+70,000,000
Total, Federal Emergency Management Agency	469,250,000	576,000,000	+106,750,000
GENERAL SERVICES ADMINISTRATION			
Consumer Information Center	1,272,000	1,272,000	
(Limitation on administrative expenses)	*(1,654,000)*	*(1,664,000)*	*(+10,000)*
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Office of Consumer Affairs	400,000	1,750,000	+1,350,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Research and development	3,032,100,000	[4] 3,091,700,000	+59,600,000
Space flight, control and data communications	3,343,000,000	[5] 3,317,000,000	–26,000,000
Construction of facilities	166,300,000	166,300,000	
Research and program management	1,425,000,000	1,425,000,000	
Total, National Aeronautics and Space Administration	7,966,400,000	8,000,000,000	+33,600,000

See footnotes at end of table, p. 3124.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5313)—Continued

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1987 (H.R. 5313) was not approved by the Congress. The bill passed the House on September 12, 1986. The Senate passed the bill, amended, on October 3, 1986. A conference report (House Report No. 99-977) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 99-591 for those programs and activities normally included in H.R. 5313 (see p. 416, this volume, for Sec. 101(a) of Public Law 99-591, and pp. 59-89 for text of H.R. 5313).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL CREDIT UNION ADMINISTRATION			
Central liquidity facility:			
(Limitation on direct loans)	*($600,000,000)*	*($600,000,000)*	
(Limitation on administrative expenses)	*(850,000)*	*(850,000)*	
(Limitation on administrative expenses, insurance program—operating fund)	*(10,352,000)*		*(−$10,352,000)*
NATIONAL SCIENCE FOUNDATION			
Research and related activities	1,479,000,000	1,406,150,000	−72,850,000
Program development and management *(limitation on administrative expenses)*	*(78,000,000)*	*(76,500,000)*	*(−1,500,000)*
United States Antarctic Program activities	117,000,000	117,000,000	
Science education activities	89,000,000	99,000,000	+10,000,000
Scientific activities overseas *(special foreign currency program)*	700,000	700,000	
Total, National Science Foundation	1,685,700,000	1,622,850,000	−62,850,000
NEIGHBORHOOD REINVESTMENT CORPORATION			
Payment to the Neighborhood Reinvestment Corporation	15,285,000	19,000,000	+3,715,000
SELECTIVE SERVICE SYSTEM			
Salaries and expenses	27,474,000	26,128,400	−1,345,600
DEPARTMENT OF THE TREASURY			
Office of Revenue Sharing, salaries and expenses	5,560,000	5,560,000	
VETERANS ADMINISTRATION			
Compensation and pensions	14,364,400,000	14,364,400,000	
Readjustment benefits	741,150,000	741,150,000	
Veterans insurance and indemnities	4,770,000	4,770,000	
Medical care	9,085,543,000	9,411,817,000	+326,274,000
Medical and prosthetic research	188,915,000	189,915,000	+1,000,000
Medical administration and miscellaneous operating expenses	42,694,000	41,194,000	−1,500,000
General operating expenses	763,531,000	760,000,000	−3,531,000
Construction, major projects	301,208,000	382,708,000	+81,500,000
Construction, minor projects	106,962,000	80,000,000	−26,962,000
(Limitation on administrative expenses)	*(38,885,000)*	*(38,000,000)*	*(−885,000)*
Parking garage revolving fund		26,000,000	+26,000,000
(By transfer)		*(4,000,000)*	*(+4,000,000)*
Grants for construction of State extended care facilities	42,400,000	42,400,000	
Grants to the Republic of the Philippines	500,000	500,000	
Direct loan revolving fund *(limitation on direct loans)*		*(1,000,000)*	*(+1,000,000)*
Total, Veterans Administration	25,642,073,000	26,044,854,000	+402,781,000
Total, title II, Independent Agencies:			
New budget *(obligational)* authority *(net)*	40,102,827,000	40,516,762,400	+413,935,400
Appropriations	(40,102,827,000)	(41,116,762,400)	(+1,013,935,400)
Rescission		(−600,000,000)	(−600,000,000)
(By transfer)		*(4,000,000)*	*(+4,000,000)*
(Limitation on administrative expenses)	*(129,741,000)*	*(259,014,000)*	*(+129,273,000)*
(Limitation on direct loans)	*(600,000,000)*	*(601,000,000)*	*(+1,000,000)*

See footnotes at end of table, p. 3124.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5313)—Continued

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1987 (H.R. 5313) was not approved by the Congress. The bill passed the House on September 12, 1986. The Senate passed the bill, amended, on October 3, 1986. A conference report (House Report No. 99-977) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 99-591 for those programs and activities normally included in H.R. 5313 (see p. 416, this volume, for Sec. 101(a) of Public Law 99-591, and pp. 59-89 for text of H.R. 5313).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III			
CORPORATIONS			
Federal Home Loan Bank Board:			
(Limitation on corporate funds)	*($32,193,000)*	*($27,693,000)*	*(−$4,500,000)*
Federal Savings and Loan Insurance Corporation, *(limitation on administrative expenses, corporate funds)*	*(1,466,000)*	*(1,466,000)*	
Total, title III, Corporations	*(33,659,000)*	*(29,159,000)*	*(−4,500,000)*
Grand total, all titles:			
New budget *(obligational)* authority *(net)*	46,806,409,000	53,577,802,700	+6,771,393,700
Appropriations	(44,523,160,000)	(46,363,460,700)	(+1,840,300,700)
Portion applied to debt reduction	(−245,915,000)	(−245,915,000)	
Authority to borrow		(507,689,000)	(+507,689,000)
Contract authority	(2,529,164,000)	(7,805,668,000)	(+5,276,504,000)
Rescission		(−600,000,000)	(−600,000,000)
Rescission of contract authority, indefinite	*(−318,362,000)*	(−253,100,000)	[3](−253,100,000)
(By transfer)		*(4,000,000)*	*(+4,000,000)*
(Increased limitation for annual contract authority (net))	*(368,169,977)*	*(589,034,278)*	*(+220,864,301)*
(Limitation on administrative expenses)	*(129,741,000)*	*(259,014,000)*	*(+129,273,000)*
(Limitation on annual contract authority, indefinite)	*(−6,400,000)*	*(−6,400,000)*	
(Limitation on direct loans)	*(704,062,000)*	*(1,268,461,000)*	*(+564,399,000)*
(Limitation on guaranteed loans)	*(215,000,000,000)*	*(250,150,000,000)*	*(+35,150,000,000)*
(Limitation on corporate funds to be expended)	*(324,883,000)*	*(336,121,000)*	*(+11,238,000)*

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[1] Includes the following budget amendments:

H. Doc. 99-232:	
Environmental Protection Agency:	
Administrative Provisions *(limitation)*	*($5,000,000)*
Veterans Administration:	
Medical care	1,560,000
General operating expenses	952,000
Total, H. Doc. 99-232	2,512,000
H. Doc. 99-239:	
Environmental Protection Agency:	
Construction grants *(reappropriation)*	*(5,000,000)*
H. Doc. 99-257:	
Department of Housing and Urban Development:	
Housing Programs:	
Annual contribution for assisted housing	2,529,164,000
Federal Housing Administration:	
Federal Housing Administration fund *(limitation on guaranteed loans)*	*(90,000,000,000)*
Government National Mortgage Association:	
Guarantees of mortgage-backed securities *(limitation of guaranteed loans)*	*(125,000,000,000)*
Community Planning and Development:	
Community development grants	500,000,000
Management and Administration:	
Salaries and expenses *(by transfer, limitation on FHA corporate funds)*	*($31,441,000)*
Total, H. Doc. 99-257	3,029,164,000
H. Doc. 99-264:	
National Aeronautics and Space Administration:	
Research and development	29,000,000
Space flight, control, and data communications	274,000,000
Construction of facilities	−15,000,000
Research and program management	−16,000,000
Total, H. Doc. 99-264 *(net)*	272,000,000
H. Doc. 99-275:	
Veterans Administration:	
Medical administration and miscellaneous operating expenses	456,000
General operating expenses	−403,000
Construction, minor projects	−53,000
Total, budget amendments *(net)*	3,303,676,000

[2] Indefinite amount; estimated.

[3] Reflects actual rescission rather than comparison with request.

[4] Section 101(g) of Public Law 99-591 provides an additional $36,000,000 (see p. 416, this volume).

[5] Section 101(g) of Public Law 99-591 provides an additional $2,398,000,000 (see p. 416, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5234)

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1987 (H.R. 5234) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 16, 1986. A conference report (House Report No. 99-1002) was filed in the House on October 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 99-591 for those programs and activities normally included in H.R. 5234 (see pp. 416-458, this volume, for Sec. 101(h) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE INTERIOR			
BUREAU OF LAND MANAGEMENT			
Management of lands and resources	$379,085,000	$483,610,000	+$104,525,000
Construction and access	1,200,000	2,800,000	+1,600,000
Payments in lieu of taxes	105,000,000	105,000,000	...
Land acquisition	...	6,220,000	+6,220,000
Rescission	...	−3,200,000	−3,200,000
Total, land acquisition *(net)*	...	3,020,000	+3,020,000
Oregon and California grant lands	51,160,000	54,524,000	+3,364,000
Range improvements *(indefinite)*	8,506,000	9,253,000	+747,000
Service charges, deposits and forfeitures *(indefinite)*	5,195,000	5,195,000	...
Miscellaneous trust funds *(indefinite)*	100,000	100,000	...
Total, Bureau of Land Management *(net)*	550,246,000	663,502,000	+113,256,000
UNITED STATES FISH AND WILDLIFE SERVICE			
Resource management	285,127,000	314,692,000	+29,565,000
Construction and anadromous fish	3,113,000	26,513,000	+23,400,000
Migratory bird conservation account	...	7,000,000	+7,000,000
Land acquisition	1,500,000	42,425,000	+40,925,000
National Wildlife Refuge Fund	5,645,000	5,645,000	...
Total, United States Fish and Wildlife Service	295,385,000	396,275,000	+100,890,000
NATIONAL PARK SERVICE			
Operation of the national park system	655,482,000	657,613,000	+2,131,000
Park receipts transfer to general fund *(indefinite)*	...	−54,000,000	−54,000,000
Total, operation of the national park system	655,482,000	603,613,000	−51,869,000
National recreation and preservation	9,547,000	10,628,000	+1,081,000
Historic preservation fund	...	24,250,000	+24,250,000
Construction	29,114,000	88,095,000	+58,981,000
(Liquidation of contract authority)	...	*(12,500,000)*	*(+12,500,000)*
Land acquisition and state assistance	15,270,000	87,220,000	+71,950,000
John F. Kennedy Center for the Performing Arts	4,771,000	4,771,000	...
Illinois and Michigan Canal National Heritage Corridor Commission	...	250,000	+250,000
Jefferson National Expansion Memorial Commission	...	75,000	+75,000
Total, National Park Service	714,184,000	818,902,000	+104,718,000
GEOLOGICAL SURVEY			
Surveys, investigations, and research	395,500,000	418,665,000	+23,165,000
MINERALS MANAGEMENT SERVICE			
Leasing and royalty management	160,300,000	160,697,000	+397,000
Payments to States from receipts under Mineral Leasing	800,000	...	−800,000
Total, Minerals Management Service	161,100,000	160,697,000	−403,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5234)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1987 (H.R. 5234) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 16, 1986. A conference report (House Report No. 99-1002) was filed in the House on October 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 99-591 for those programs and activities normally included in H.R. 5234 (see pp. 416–458, this volume, for Sec. 101(h) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (–), appropriations compared with estimates
BUREAU OF MINES			
Mines and minerals	$107,100,000	$138,162,000	+$31,062,000
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT			
Regulation and technology	100,880,000	100,003,000	–877,000
Abandoned mine reclamation fund *(definite, trust fund)*	190,520,000	203,720,000	+13,200,000
Total, Office of Surface Mining Reclamation and Enforcement	291,400,000	303,723,000	+12,323,000
BUREAU OF INDIAN AFFAIRS			
Operation of Indian Programs	862,060,000	911,182,000	+49,122,000
Construction	59,155,000	76,101,000	+16,946,000
White Earth Trust Fund		6,600,000	+6,600,000
Tribal trust funds	1,000,000	1,000,000	
Revolving fund for loans *(limitation on direct loans)*	*(16,320,000)*	*(16,320,000)*	
Indian loan guaranty and insurance fund	2,485,000	2,452,000	–33,000
Indian loan guaranty and insurance fund *(limitation on guaranteed loans)*	*(30,000,000)*		*(–30,000,000)*
Total, Bureau of Indian Affairs	924,700,000	997,335,000	+72,635,000
TERRITORIAL AND INTERNATIONAL AFFAIRS			
Administration of territories	71,529,000	78,224,000	+6,695,000
Trust Territory of the Pacific Islands	13,050,000	67,387,000	+54,337,000
Compact of Free Association	27,920,000	2,250,000	–25,670,000
Total, Territorial Affairs	112,499,000	147,861,000	+35,362,000
DEPARTMENTAL OFFICES			
Office of the Secretary	42,816,000	42,816,000	
Office of the Solicitor	20,800,000	20,880,000	+80,000
Office of Inspector General	16,300,000	16,300,000	
Construction Management	684,000	684,000	
Total, Departmental Offices	80,600,000	80,680,000	+80,000
Total, title I, Department of the Interior:			
New budget *(obligational)* authority *(net)*	3,632,714,000	4,125,802,000	+493,088,000
Appropriations	(3,632,714,000)	(4,129,002,000)	(+496,288,000)
Definite	(3,618,913,000)	(4,168,454,000)	(+549,541,000)
Indefinite	(13,801,000)	(–39,452,000)	(–53,253,000)
Rescission		(–3,200,000)	(–3,200,000)
(Liquidation of contract authority)		*(12,500,000)*	*(+12,500,000)*
(Limitation on direct loans)	*(16,320,000)*	*(16,320,000)*	
(Limitation on guaranteed loans)	*(30,000,000)*		*(–30,000,000)*
TITLE II—RELATED AGENCIES			
DEPARTMENT OF AGRICULTURE			
FOREST SERVICE			
Forest research	111,481,000	128,882,000	+17,401,000
State and private forestry	24,871,000	58,946,000	+34,075,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5234)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1987 (H.R. 5234) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 16, 1986. A conference report (House Report No. 99-1002) was filed in the House on October 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 99-591 for those programs and activities normally included in H.R. 5234 (see pp. 416-458, this volume, for Sec. 101(h) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (–), appropriations compared with estimates
National forest system	$894,488,000	$1,158,294,000	+$263,806,000
Construction	195,197,000	261,736,000	+66,539,000
Timber receipts transfer to general fund *(indefinite)*	*(–86,815,000)*	*(–86,815,000)*	
Timber purchaser credits	*(154,321,000)*		*(–154,321,000)*
Land acquisition	3,206,000	52,236,000	+49,030,000
Operation and maintenance of recreation facilities	52,000,000		–52,000,000
Acquisition of lands for national forests, special acts	966,000	966,000	
Acquisition of lands to complete land exchanges *(indefinite)*	895,000	895,000	
Range betterment fund *(indefinite)*	3,800,000	3,800,000	
Miscellaneous trust funds	90,000	90,000	
Total, Department of Agriculture	1,286,994,000	1,665,845,000	+378,851,000
DEPARTMENT OF ENERGY			
Fossil energy research and development	82,767,000	295,866,000	+213,099,000
(By transfer)	*(2,511,000)*	*(2,922,000)*	*(+411,000)*
Naval petroleum and oil shale reserves	127,108,000	122,177,000	–4,931,000
Energy conservation	39,433,000	280,129,000	+240,696,000
Economic regulation	21,850,000	23,400,000	+1,550,000
Emergency preparedness	6,044,000	6,044,000	
Strategic Petroleum Reserve		147,433,000	+147,433,000
Energy Information Administration	59,651,000	60,301,000	+650,000
Total, Department of Energy	336,853,000	935,350,000	+598,497,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH RESOURCES AND SERVICES ADMINISTRATION			
Indian health services	722,378,000	841,809,000	+119,431,000
Indian health facilities		65,555,000	+65,555,000
Total, Department of Health and Human Services	722,378,000	907,364,000	+184,986,000
DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Indian education	75,729,000	64,036,000	–11,693,000
OTHER RELATED AGENCIES			
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION			
Salaries and expenses	22,335,000	22,335,000	
SMITHSONIAN INSTITUTION			
Salaries and expenses	190,061,000	183,920,000	–6,141,000
Construction and improvements, National Zoological Park	4,851,000	2,500,000	–2,351,000
Restoration and renovation of buildings	12,828,000	12,975,000	+147,000
Construction	7,500,000	6,095,000	–1,405,000
Subtotal, Smithsonian Institution	215,240,000	205,490,000	–9,750,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5234)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1987 (H.R. 5234) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 16, 1986. A conference report (House Report No. 99-1002) was filed in the House on October 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 99-591 for those programs and activities normally included in H.R. 5234 (see pp. 416-458, this volume, for Sec. 101(h) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL GALLERY OF ART			
Salaries and expenses	$34,607,000	$34,607,000	
Repair, Restoration and Renovation of Buildings	2,400,000	2,400,000	
Subtotal, National Gallery of Art	37,007,000	37,007,000	
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS			
Salaries and expenses	3,266,000	3,322,000	+$56,000
Total, Smithsonian Institution	255,513,000	245,819,000	−9,694,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES			
NATIONAL ENDOWMENT FOR THE ARTS			
Grants and administration	102,000,000	120,761,000	+18,761,000
Administrative expenses	15,900,000	15,900,000	
Subtotal	117,900,000	136,661,000	+18,761,000
Matching grants	27,000,000	28,420,000	+1,420,000
Total, National Endowment for the Arts	144,900,000	165,081,000	+20,181,000
NATIONAL ENDOWMENT FOR THE HUMANITIES			
Grants and administration	83,140,000	95,790,000	+12,650,000
Administrative expenses	14,300,000	14,200,000	−100,000
Subtotal	97,440,000	109,990,000	+12,550,000
Matching grants	29,000,000	28,500,000	−500,000
Total, National Endowment for the Humanities	126,440,000	138,490,000	+12,050,000
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS			
Grants		4,000,000	+4,000,000
INSTITUTE OF MUSEUM SERVICES			
Grants and administration	330,000	21,250,000	+20,920,000
Total, National Foundation on the Arts and the Humanities	271,670,000	328,821,000	+57,151,000
COMMISSION OF FINE ARTS			
Salaries and expenses	420,000	450,000	+30,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Salaries and expenses	1,417,000	1,533,000	+116,000
NATIONAL CAPITAL PLANNING COMMISSION			
Salaries and expenses	2,684,000	2,684,000	
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION			
Salaries and expenses		5,000	+5,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5234)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1987 (H.R. 5234) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 16, 1986. A conference report (House Report No. 99-1002) was filed in the House on October 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 99-591 for those programs and activities normally included in H.R. 5234 (see pp. 416-458, this volume, for Sec. 101(h) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION			
Salaries and expenses	$2,437,000	$2,397,000	−$40,000
Public development	3,774,000	3,924,000	+150,000
Total, Pennsylvania Avenue Development Corporation	6,211,000	6,321,000	+110,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL			
Holocaust Memorial Council	2,057,000	2,049,000	−17,000
Total, title II, Related Agencies:			
New budget *(obligational)* authority	2,984,261,000	4,182,603,000	+1,198,342,000
Definite	(2,979,566,000)	(4,177,908,000)	(+1,198,342,000)
Indefinite	(4,695,000)	(4,695,000)	
(Timber receipts transfer to general fund, indefinite)	*(−86,815,000)*	*(−86,815,000)*	
(Timber purchaser credits)	*(154,321,000)*		*(−154,321,000)*
(By transfer)	*(2,511,000)*	*(2,922,000)*	*(+411,000)*
Grand total, all titles:			
New budget *(obligational)* authority *(net)*	6,616,975,000	8,308,405,000	+1,691,430,000
Appropriations	(6,616,975,000)	(8,311,605,000)	(+1,694,630,000)
Definite	(6,598,479,000)	(8,346,362,000)	(+1,747,883,000)
Indefinite	(18,496,000)	(−34,757,000)	(−53,253,000)
Rescission		(−3,200,000)	(−3,200,000)
(Liquidation of contract authority)		*(12,500,000)*	*(+12,500,000)*
(Limitation on direct loans)	*(16,320,000)*	*(16,320,000)*	
(Limitation on guaranteed loans)	*(30,000,000)*		*(−30,000,000)*
(Timber receipts transfer to general fund, indefinite)	*(−86,815,000)*	*(−86,815,000)*	
(Timber purchaser credits)	*(154,321,000)*		*(−154,321,000)*
(By transfer)	*(2,511,000)*	*(2,922,000)*	*(+411,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 (H.R. 5233) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 10, 1986. A conference report (House Report No. 99-960) was filed in the House on October 2, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 99-591 for those programs and activities normally included in H.R. 5233 (see p. 458, this volume, for Sec. 101(i) of Public Law 99-591, and pp. 93-125 for text of H.R. 5233).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1 2 3 4 5]	New budget (obligational) authority appropriated, 1987[5 6]	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF LABOR			
EMPLOYMENT AND TRAINING ADMINISTRATION			
Program administration	$62,959,000	$67,363,000	+$4,404,000
(Limitation on trust fund transfer)	*(49,763,000)*	*(44,763,000)*	*(−5,000,000)*
Training and employment services	2,909,608,000	3,685,913,000	+776,305,000
Community service employment for older Americans	326,000,000	326,000,000	
Federal unemployment benefits and allowances	[1] 118,000,000	118,000,000	
State unemployment insurance and employment service operations	23,400,000	23,400,000	
(Limitation on trust fund transfer)	*(2,485,933,000)*	*(2,341,901,000)*	*(−144,032,000)*
Total, Employment and Training Administration	3,439,967,000	4,220,676,000	+780,709,000
LABOR-MANAGEMENT SERVICES			
Salaries and expenses	62,275,000	62,275,000	
PENSION BENEFIT GUARANTY CORPORATION			
Pension Benefit Guaranty Corporation fund *(limitation on trust fund transfer)*	*(36,874,000)*	*(36,874,000)*	
EMPLOYMENT STANDARDS ADMINISTRATION			
Salaries and expenses	192,709,000	194,209,000	+1,500,000
(Limitation on trust fund transfer)	*(441,000)*	*(441,000)*	
Special benefits	263,600,000	263,600,000	
Black Lung Disability Trust Fund:			
Definite	231,538,000	234,538,000	+3,000,000
Indefinite	756,000	756,000	
Total, Black Lung Disability Trust Fund	[1] 232,294,000	235,294,000	+3,000,000
Total, Employment Standards Administration	688,603,000	693,103,000	+4,500,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	225,811,000	225,811,000	
MINE SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	156,480,000	156,480,000	
BUREAU OF LABOR STATISTICS			
Salaries and expenses	[1] 160,726,000	167,925,000	+7,199,000
(Limitation on trust fund transfer)	*(36,506,000)*	*(37,872,000)*	*(+1,366,000)*
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	103,852,000	103,852,000	
(Limitation on trust fund transfer)	*(263,000)*	*(263,000)*	
Assistant Secretary for Veterans Employment and Training *(limitation on trust fund transfer)*	*(131,525,000)*	*(139,510,000)*	*(+7,985,000)*

See footnotes at end of table, pp. 3136–3137.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 (H.R. 5233) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 10, 1986. A conference report (House Report No. 99-960) was filed in the House on October 2, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 99-591 for those programs and activities normally included in H.R. 5233 (see p. 458, this volume, for Sec. 101(i) of Public Law 99-591, and pp. 93-125 for text of H.R. 5233).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1,2,3,4,7]	New budget (obligational) authority appropriated, 1987 [5,6]	Increase (+) or decrease (−), appropriations compared with estimates
Office of the Inspector General	$34,833,000	$34,833,000	
(Limitation on trust fund transfer)	*(6,040,000)*	*(6,040,000)*	
Special foreign currency program	67,000	47,000	−$20,000
Total, Departmental Management	138,752,000	138,732,000	−20,000
Total, title I, Department of Labor:			
New budget *(obligational)* authority	4,872,614,000	5,665,002,000	+792,388,000
Definite	(4,871,858,000)	(5,664,246,000)	(+792,388,000)
Indefinite	(756,000)	(756,000)	
(Limitation on trust fund transfers)	*(2,747,345,000)*	*(2,607,664,000)*	*(−139,681,000)*
TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH RESOURCES AND SERVICES ADMINISTRATION			
Health resources and services	1,162,670,000	1,470,763,000	+308,093,000
(Limitation on direct loans)	*(1,000,000)*	*(1,000,000)*	
Medical facilities guarantee and loan fund, federal interest subsidies for medical facilities	20,000,000	20,000,000	
Total, Health Resources and Services Administration	1,182,670,000	1,490,763,000	+308,093,000
CENTERS FOR DISEASE CONTROL			
Disease control, research, and training	[2] 425,255,000	539,067,000	+113,812,000
NATIONAL INSTITUTES OF HEALTH			
National Cancer Institute	1,158,089,000	1,402,837,000	+244,748,000
National Heart, Lung, and Blood Institute	785,697,000	930,001,000	+144,304,000
National Institute of Dental Research	96,482,000	117,945,000	+21,463,000
National Institute of Diabetes and Digestive and Kidney Diseases	418,971,000	511,124,000	+92,153,000
National Institute of Neurological and Communicative Disorders and Stroke	399,351,000	490,233,000	+90,882,000
National Institute of Allergy and Infectious Diseases	330,551,000	545,523,000	+214,972,000
National Institute of General Medical Sciences	471,533,000	570,916,000	+99,383,000
National Institute of Child Health and Human Development	309,119,000	366,780,000	+57,661,000
National Eye Institute	179,201,000	216,637,000	+37,436,000
National Institute of Environmental Health Sciences	187,995,000	209,294,000	+21,299,000
National Institute on Aging	145,829,000	176,931,000	+31,102,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases	106,733,000	138,713,000	+31,980,000
Research resources	234,192,000	322,860,000	+88,668,000
National Center for Nursing Research		19,000,000	+19,000,000
John E. Fogarty International Center	11,305,000	11,420,000	+115,000
National Library of Medicine	56,408,000	61,838,000	+5,430,000
Office of the Director	179,691,000	56,708,000	−122,983,000
Buildings and facilities	8,000,000	31,900,000	+23,900,000
Total, National Institutes of Health	[2] 5,079,147,000	6,180,660,000	+1,101,513,000

See footnotes at end of table, pp. 3136-3137.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 (H.R. 5233) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 10, 1986. A conference report (House Report No. 99-960) was filed in the House on October 2, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 99-591 for those programs and activities normally included in H.R. 5233 (see p. 458, this volume, for Sec. 101(i) of Public Law 99-591, and pp. 93-125 for text of H.R. 5233).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1 2 3 4 5]	New budget (obligational) authority appropriated, 1987[5 8]	Increase (+) or decrease (−), appropriations compared with estimates
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Alcohol, drug abuse, and mental health	$905,973,000	$1,062,365,000	+$156,392,000
Federal subsidy for Saint Elizabeths Hospital	36,353,000	36,353,000	
Total, Alcohol, Drug Abuse, and Mental Health Administration	[2]942,326,000	1,098,718,000	+156,392,000
OFFICE OF ASSISTANT SECRETARY FOR HEALTH			
Public Health Service management	[2]111,410,000	117,126,000	+5,716,000
(Limitation on trust fund transfer)	*(1,050,000)*	*(1,050,000)*	....
Retirement pay and medical benefits for commissioned officers *(indefinite)*	91,282,000	86,282,000	−5,000,000
Total, Assistant Secretary for Health	202,692,000	203,408,000	+716,000
Total, Public Health Service	7,832,090,000	9,512,616,000	+1,680,526,000
HEALTH CARE FINANCING ADMINISTRATION			
Grants to States for Medicaid	24,708,122,000	[5]26,270,000,000	+1,561,878,000
Appropriation available from prior year advance	−6,500,000,000	−6,500,000,000	....
Total, adjusted appropriation	18,208,122,000	19,770,000,000	+1,561,878,000
Advance appropriation, fiscal year 1988	7,100,000,900	7,100,000,000	....
Total, Grants to States for Medicaid	25,308,122,000	26,870,000,000	+1,561,878,000
Payments to health care trust funds	20,357,000,000	20,826,000,000	+469,000,000
Program management	84,533,000	85,396,000	+863,000
(Limitation on trust fund transfer)	*(1,213,944,000)*	*(1,218,520,000)*	*(+4,576,000)*
Total, Health Care Financing Administration *(Federal funds)*:			
New budget *(obligational)* authority	45,749,655,000	47,781,396,000	+2,031,741,000
Appropriations, fiscal year 1987	(38,649,655,000)	(40,681,396,000)	(+2,031,741,000)
Advance appropriations, fiscal year 1988	(7,100,000,000)	(7,100,000,000)	....
(Limitation on trust fund transfer)	*(1,213,944,000)*	*(1,218,520,000)*	*(+4,576,000)*
SOCIAL SECURITY ADMINISTRATION			
Payments to social security trust funds	500,555,000	500,555,000	....
Special benefits for disabled coal miners:			
Direct appropriation	963,437,000	[5]963,437,000	....
Appropriation available from prior year advance	−270,000,000	−270,000,000	....
Total, fiscal year 1987 appropriation current request	693,437,000	693,437,000	....
Advance appropriation for fiscal year 1988	252,450,000	252,450,000	....
Total, special benefits for disabled coal miners	945,887,000	945,887,000	....

See footnotes at end of table, pp. 3136-3137.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 (H.R. 5233) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 10, 1986. A conference report (House Report No. 99-960) was filed in the House on October 2, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 99-591 for those programs and activities normally included in H.R. 5233 (see p. 458, this volume, for Sec. 101(i) of Public Law 99-591, and pp. 93-125 for text of H.R. 5233).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1] [2] [3] [4] [7]	New budget (obligational) authority appropriated, 1987 [5] [6]	Increase (+) or decrease (−), appropriations compared with estimates
Supplemental security income program:			
Direct appropriation	$10,569,318,000	[5] $10,569,318,000	
Appropriation available from prior year advance	−2,339,250,000	−2,339,250,000	
Total, fiscal year 1987 appropriation current request	8,230,068,000	8,230,068,000	
Advance appropriation for fiscal year 1988	2,765,000,000	2,765,000,000	
Total, supplemental security income program	10,995,068,000	10,995,068,000	
Assistance payments program:			
Direct appropriation	8,203,232,000	[5] 9,218,152,000	+$1,014,920,000
Appropriation available from prior year advance	−2,193,754,000	−2,193,754,000	
Total, fiscal year 1987 appropriation current request	6,009,478,000	7,024,398,000	+1,014,920,000
Advance appropriation for fiscal year 1988	2,293,615,000	2,293,615,000	
Total, assistance payments program	8,303,093,000	9,318,013,000	+1,014,920,000
Low income home energy assistance	2,100,000,000	1,825,000,000	−275,000,000
Child Support Enforcement:			
Direct appropriation	770,383,000	[5] 770,383,000	
Appropriation available from prior year advance	−170,750,000	−170,750,000	
Total, fiscal year 1987 appropriation current request	599,633,000	599,633,000	
Advance appropriation for fiscal year 1988	187,000,000	187,000,000	
Total, child support enforcement	786,633,000	786,633,000	
(Limitation on administrative expenses, trust funds)	*(4,011,373,000)*	*(3,840,000,000)*	*(−171,373,000)*
Total, Social Security Administration:			
New budget *(obligational)* authority	23,631,236,000	24,371,156,000	+739,920,000
Appropriations, fiscal year 1987	(18,133,171,000)	(18,873,091,000)	(+739,920,000)
Advance appropriations, fiscal year 1988	(5,498,065,000)	(5,498,065,000)	
(Limitation on administrative expenses)	*(4,011,373,000)*	*(3,840,000,000)*	*(−171,373,000)*
HUMAN DEVELOPMENT SERVICES			
Social Services Block Grant	2,700,000,000	2,700,000,000	
Human development services	1,978,378,000	2,097,635,000	+119,257,000
Family Social Services:			
Discretionary activities	213,623,000	242,663,000	+29,040,000
Entitlement activities	604,214,000	696,904,000	+92,690,000
Total, Family Social Services	817,837,000	939,567,000	+121,730,000
Work incentives		110,000,000	+110,000,000
Total, Human Development Services	5,496,215,000	5,847,202,000	+350,987,000
OFFICE OF COMMUNITY SERVICES			
Community services block grant	3,612,000	369,851,000	+366,239,000
Community food and nutrition		2,500,000	+2,500,000
Total, Office of Community Services	3,612,000	372,351,000	+368,739,000

See footnotes at end of table, pp. 3136-3137.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 (H.R. 5233) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 10, 1986. A conference report (House Report No. 99-960) was filed in the House on October 2, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 99-591 for those programs and activities normally included in H.R. 5233 (see p. 458, this volume, for Sec. 101(i) of Public Law 99-591, and pp. 93-125 for text of H.R. 5233).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1 2 3 4 5]	New budget (obligational) authority appropriated, 1987[5 6]	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTAL MANAGEMENT			
General departmental management	$108,319,000	$121,819,000	+$13,500,000
(Limitation on trust fund transfer)	*(27,500,000)*	*(27,500,000)*	
Office of the Inspector General	29,716,000	30,016,000	+300,000
(Limitation on trust fund transfer)	*(40,000,000)*	*(40,000,000)*	
Office for Civil Rights	15,285,000	15,285,000	
(Limitation on trust fund transfer)	*(4,000,000)*	*(4,000,000)*	
Policy research	5,000,000	8,200,000	+3,200,000
Total, Departmental Management	158,320,000	175,320,000	+17,000,000
(Limitation on trust fund transfer)	*(71,500,000)*	*(71,500,000)*	
Total, title II, Department of Health and Human Services:			
New budget *(obligational)* authority	82,871,128,000	88,060,041,000	+5,188,913,000
Appropriations, fiscal year 1987	(70,273,063,000)	(75,461,976,000)	(+5,188,913,000)
Definite	(70,181,781,000)	(75,375,694,000)	(+5,193,913,000)
Indefinite	(91,282,000)	(86,282,000)	(−5,000,000)
Advance appropriations, fiscal year 1988	(12,598,065,000)	(12,598,065,000)	
(Limitation on administrative expenses)	*(4,011,373,000)*	*(3,840,000,000)*	*(−171,373,000)*
(Limitation on trust fund transfers)	*(1,286,494,000)*	*(1,291,070,000)*	*(+4,576,000)*
(Limitation on direct loans)	*(1,000,000)*	*(1,000,000)*	
TITLE III—DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Compensatory education for the disadvantaged	3,688,163,000	3,951,663,000	+263,500,000
School assistance in federally affected areas *(Impact aid)*	548,000,000	717,500,000	+169,500,000
Special programs[6]	678,909,000	[6] 727,714,000	+48,805,000
Bilingual education	142,951,000	173,095,000	+30,144,000
Total, Office of Elementary and Secondary Education	5,058,023,000	5,569,972,000	+511,949,000
OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES			
Education for the handicapped	1,303,100,000	1,741,900,000	+438,800,000
Rehabilitation services and handicapped research	1,225,400,000	1,484,758,000	+259,358,000
Total, Office of Special Education and Rehabilitation Services	2,528,500,000	3,226,658,000	+698,158,000
OFFICE OF VOCATIONAL AND ADULT EDUCATION			
Vocational and adult education	504,974,000	980,800,000	+475,826,000
OFFICE OF POSTSECONDARY EDUCATION			
Student financial assistance	3,812,568,000	5,196,000,000	+1,383,432,000
Guaranteed student loans	3,460,250,000	3,004,000,000	−456,250,000
Higher education	261,578,000	479,128,000	+217,550,000
Higher education facilities loans and insurance	19,205,000	19,205,000	
College housing loans *(limitation on direct loans)*		*(60,000,000)*	*(+60,000,000)*
Total, Office of Postsecondary Education	7,553,601,000	8,698,333,000	+1,144,732,000

See footnotes at end of table, pp. 3136–3137.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 (H.R. 5233) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 10, 1986. A conference report (House Report No. 99-960) was filed in the House on October 2, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 99-591 for those programs and activities normally included in H.R. 5233 (see p. 458, this volume, for Sec. 101(i) of Public Law 99-591, and pp. 93-125 for text of H.R. 5233).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1,2,3,4,7]	New budget (obligational) authority appropriated, 1987[5,6]	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT			
Educational research and statistics	$70,231,000	$63,578,000	−$6,653,000
Libraries		132,500,000	+132,500,000
Total, Office of Educational Research and Improvement	70,231,000	196,078,000	+125,847,000
SPECIAL INSTITUTIONS			
American Printing House for the Blind	5,510,000	5,500,000	−10,000
National Technical Institute for the Deaf	31,380,000	32,000,000	+620,000
Gallaudet College	60,737,000	62,000,000	+1,263,000
Howard University	157,170,000	170,230,000	+13,060,000
Total, Special Institutions	254,797,000	269,730,000	+14,933,000
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	241,192,000	234,692,000	−6,500,000
Office for Civil Rights	38,185,000	43,000,000	+4,815,000
Office of the Inspector General	16,378,000	16,378,000	
Total, Departmental management	295,755,000	294,070,000	−1,685,000
Total, title III, Department of Education:			
New budget *(obligational)* authority	16,265,881,000	19,235,641,000	+2,969,760,000
(Limitation on direct loans)		*(60,000,000)*	*(+60,000,000)*
TITLE IV—RELATED AGENCIES			
ACTION	149,865,000	153,287,000	+3,422,000
Commission on Education of the Deaf		750,000	+750,000
Corporation for Public Broadcasting:			
Public broadcasting fund *(advance appropriation, fiscal year 1989)*	130,000,000	228,000,000	+98,000,000
Federal Mediation and Conciliation Service	23,220,000	23,523,000	+303,000
Federal Mine Safety and Health Review Commission	3,919,000	3,785,000	−134,000
National Commission on Libraries and Information Science	690,000	660,000	−30,000
National Council on the Handicapped	850,000	850,000	
National Labor Relations Board	130,865,000	129,960,000	−905,000
National Mediation Board	6,540,000	6,401,000	−139,000
Occupational Safety and Health Review Commission	5,750,000	5,750,000	
Physician Payment Review Commission *(trust fund limitation)*		*(1,000,000)*	*(+1,000,000)*
Prospective Payment Assessment Commission *(trust fund limitation)*	*(3,421,000)*	*(3,421,000)*	
Railroad Retirement Board:			
Dual benefits payments account	[7] 255,880,000	380,000,000	+124,120,000
Federal payments to the Railroad Retirement Accounts	[7] 3,100,000	3,100,000	
(Limitation on administration, retirement)	*(55,614,000)*	*(57,756,000)*	*(+2,142,000)*
(Limitation on administration, unemployment)	*(13,919,000)*	*(14,942,000)*	*(+1,023,000)*
(Limitation on administration, review activity)	*(1,167,000)*	*(1,267,000)*	*(+100,000)*
Total, Railroad Retirement Board	258,980,000	383,100,000	+124,120,000

See footnotes at end of table, pp. 3136–3137.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 1987 (H.R. 5233) was not approved by the Congress. The bill passed the House on July 31, 1986. The Senate passed the bill, amended, on September 10, 1986. A conference report (House Report No. 99-960) was filed in the House on October 2, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 99-591 for those programs and activities normally included in H.R. 5233 (see p. 458, this volume, for Sec. 101(i) of Public Law 99-591, and pp. 93-125 for text of H.R. 5233).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1 2 3 4 7]	New budget (obligational) authority appropriated, 1987[5 6]	Increase (+) or decrease (−), appropriations compared with estimates
Soldiers' and Airmen's Home:			
Operation and maintenance *(trust funds)*	$34,022,000	$34,022,000	
Capital outlay *(trust funds)*	4,485,000	16,241,000	+$11,756,000
Total, Soldiers' and Airmen's Home	38,507,000	50,263,000	+11,756,000
United States Institute of Peace	1,250,000	625,000	−625,000
Total, title IV, related agencies:			
New budget *(obligational)* authority	750,436,000	986,954,000	+236,518,000
Appropriations, fiscal year 1987	(620,436,000)	(758,954,000)	(+138,518,000)
Advance appropriations, fiscal year 1989	(130,000,000)	(228,000,000)	(+98,000,000)
(Trust fund limitations)	*(74,121,000)*	*(78,386,000)*	*(+4,265,000)*
Grand total, all titles:			
New budget *(obligational)* authority	104,760,059,000	113,947,638,000	+9,187,579,000
Appropriations, fiscal year 1987	(92,031,994,000)	(101,121,573,000)	(+9,089,579,000)
Definite	(91,939,956,000)	(101,034,535,000)	(+9,094,579,000)
Indefinite	(92,038,000)	(87,038,000)	(−5,000,000)
Advance appropriations, fiscal year 1988	(12,598,065,000)	(12,598,065,000)	
Advance appropriations, fiscal year 1989	(130,000,000)	(228,000,000)	(+98,000,000)
(Limitation on direct loans)	*(1,000,000)*	*(61,000,000)*	*(+60,000,000)*
(Trust fund limitations)	*(74,121,000)*	*(78,386,000)*	*(+4,265,000)*
(Limitation on trust fund transfers)	*(4,033,839,000)*	*(3,898,734,000)*	*(−135,105,000)*
(Limitation on administrative expenses)	*(4,011,373,000)*	*(3,840,000,000)*	*(−171,373,000)*

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[1] Includes the following amounts transmitted as budget amendments after initial submission of the President's fiscal year 1987 budget:

H. Doc. 99-247:	
Department of Labor:	
Employment and Training Administration:	
Federal unemployment benefits and allowances	$114,000,000
Advances to the unemployment trust fund and other funds	−413,000,000
Employment Standards Administration:	
Black lung disability trust fund	−727,151,000
Bureau of Labor Statistics	1,336,000
Total, budget amendments *(net)*	−1,024,815,000

[2] $202,132,000 of funds requested in the Public Health Service Management account for AIDS considered under the following accounts:

Centers for Disease Control	$45,409,000
National Institutes of Health	142,990,000
Alcohol, Drug Abuse and Mental Health Administration	13,733,000
Total	202,132,000

[3] Excludes $373,998,000 requested in the President's budget for Refugee and Entrant Assistance not considered in H.R. 5233 due to a lack of authorizing legislation. Funding for the program is provided under Sec. 101(n) of the Continuing Resolution, Public Law 99-591 (see p. 512, this volume).

[4] The following amendments related to programs funded in the Labor, HHS, and Education Appropriations Bill were submitted too late to be considered as part of H.R. 5233:

H. Doc. 99-259:	
Department of Health and Human Services:	
Centers for Disease Control:	
Disease control, research and training	−$3,868,000
National Institutes of Health:	
National Cancer Institute	$15,119,000
National Heart, Lung and Blood Institute	−13,961,000
National Institute of Dental Research	−1,555,000
National Institute of Diabetes and Digestive and Kidney Diseases	−8,373,000
National Institute of Neurological and Communicative Disorders and Stroke	−9,040,000
National Institute of Allergy and Infectious Diseases	−6,636,000
National Institute of General Medical Sciences	−11,936,000
National Institute of Child Health and Human Development	−5,819,000
National Eye Institute	−4,046,000
National Institute of Environmental Health Sciences	−1,455,000
National Institute on Aging	−2,794,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases	−2,348,000
Alcohol, Drug Abuse and Mental Health Administration:	
Alcohol, Drug Abuse and Mental Health	−5,068,000
Office of the Assistant Secretary for Health:	
Priority disease control and research projects	133,271,000
Social Security Administration:	
Low Income Home Energy Assistance	−227,900,000
Total, H. Doc. 99-259 *(net)*	−186,647,000
H. Doc. 99-267:	
Department of Education:	
Office of Elementary and Secondary Education:	
Special programs	97,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1987 (H.R. 5233)—Continued

H. Doc. 99-267—Continued	
Department of Health and Human Services:	
Health Resources and Services Administration:	
Health Resources and Services	$75,042,000
Centers for Disease Control:	
Disease control, research and training	–1,953,000
National Institutes of Health:	
National Cancer Institute	–15,233,000
National Heart, Lung and Blood Institute	–16,898,000
National Institute of Dental Research	–2,160,000
National Institute of Diabetes and Digestive and Kidney Diseases	–6,646,000
National Institute of Neurological and Communicative Disorders and Stroke	–8,695,000
National Institute of Allergy and Infectious Diseases	–2,827,000
National Institute of General Medical Sciences	–3,308,000
National Institute of Child Health and Human Development	–6,244,000
National Eye Institute	–2,338,000
National Institute of Environmental Health Sciences	–2,968,000
National Institute on Aging	$2,532,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases	–2,254,000
Research Resources	–16,054,000
John E. Fogarty International Center	–200,000
Alcohol, Drug Abuse and Mental Health Administration	225,342,000
Social Security Administration:	
Low Income Home Energy Assistance	–60,000,000
ACTION:	
Operating expenses	5,000,000
Total, H. Doc. 99-267 *(net)*	101,990,000
Total, budget amendments *not considered (net)*	–84,657,000

[5] Indefinite authority is provided for the various public assistance entitlement accounts to cover any shortfall in funds for fiscal year 1987. Should these authorities be utilized, a separate table 8 will be printed in a later compilation to cover the 100th Congress, 1st Session. It is estimated that these costs will exceed $1 billion.

[6] Excludes $7,177,000 for the "Follow Through Program" in Sec. 101(n) of Public Law 99-591 (see p. 513, this volume).

[7] $100,000 of request for Dual Benefits was considered under Federal Payments to Railroad Retirement Board.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1987 (H.R. 5203)

[NOTE.—The Legislative Branch Appropriations Bill, 1987 (H.R. 5203) was not approved by the Congress. The bill passed the House on July 29, 1986. The Senate passed the bill, amended, on August 13, 1986. A conference report (House Report No. 99-805) was filed in the House on August 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 99-591 for those programs and activities normally included in H.R. 5203 (see p. 458, this volume, for Sec. 101(j) of Public Law 99-591, and pp. 127-142 for text of H.R. 5203).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—CONGRESSIONAL OPERATIONS			
SENATE			
PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS			
Gratuities, deceased Members		$75,100	+$75,100
MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, MAJORITY AND MINORITY WHIPS, AND CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES			
Mileage of the Vice President and Senators	$60,000	60,000	
Expense allowances of the Vice President, the President Pro Tempore, Majority and Minority Leaders, Majority and Minority Whips, and Chairmen of the Majority and Minority Conference Committees:			
Vice President	10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000	
Majority Leader of the Senate	10,000	10,000	
Minority Leader of the Senate	10,000	10,000	
Majority Whip of the Senate	5,000	5,000	
Minority Whip of the Senate	5,000	5,000	
Chairmen of the Majority and Minority Conference Committees	6,000	6,000	
Representation allowances for the Majority and Minority Leaders	20,000	20,000	
Total, expense allowances	76,000	76,000	
Total, mileage and expense allowances, Vice President and Senators	136,000	136,000	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Vice President	1,112,000	1,112,000	
Office of the President Pro Tempore	149,000	149,000	
Offices of the Majority and Minority Leaders	1,090,000	1,190,000	+100,000
Offices of the Majority and Minority Whips	418,000	418,000	
Conference committees	1,081,000	1,081,000	
Offices of the secretaries of the Conference of the Majority and the Conference of the Minority	262,000	262,000	
Office of the Chaplain	90,000	90,000	
Office of the Secretary	7,301,000	6,986,714	−314,286
Administrative, clerical, and legislative assistance to Senators	104,030,000	104,030,000	
Office of the Sergeant at Arms and Doorkeeper	43,602,000	41,172,000	−2,430,000
Offices of the secretaries for the Majority and Minority	879,000	879,000	
Agency contributions	20,166,000	20,166,000	
Undistributed		−100,000	−100,000
Total, salaries, officers and employees	180,180,000	[2] 177,435,714	−2,744,286
OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE			
Salaries and expenses	1,622,000	1,460,900	−161,100

See footnotes at end of table, p. 3143.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1987 (H.R. 5203)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1987 (H.R. 5203) was not approved by the Congress. The bill passed the House on July 29, 1986. The Senate passed the bill, amended, on August 13, 1986. A conference report (House Report No. 99-805) was filed in the House on August 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 99-591 for those programs and activities normally included in H.R. 5203 (see p. 458, this volume, for Sec. 101(j) of Public Law 99-591, and pp. 127-142 for text of H.R. 5203).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SENATE LEGAL COUNSEL			
Salaries and expenses	$575,000	$575,000	
Expense allowances for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate	12,000	12,000	
CONTINGENT EXPENSES OF THE SENATE			
Senate policy committees	1,948,000	1,948,000	
Inquiries and investigations	52,177,000	52,177,000	
Expenses of United States Senate Caucus on International Narcotics Control	325,000	325,000	
Secretary of the Senate	698,800	666,300	−$32,500
Sergeant at Arms and Doorkeeper of the Senate	64,620,000	62,420,000	−2,200,000
Reappropriation		2,200,000	+2,200,000
Miscellaneous items	10,317,000	10,314,000	−3,000
Stationery (revolving fund)	13,000	13,000	
Total, contingent expenses of the Senate	130,098,800	130,063,300	−35,500
Total, Senate	312,623,800	309,758,014	−2,865,786
HOUSE OF REPRESENTATIVES			
PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS			
Gratuities, deceased Members	75,100	150,200	+75,100
MILEAGE OF MEMBERS			
Mileage of Members	210,000	210,000	
HOUSE LEADERSHIP OFFICES			
Office of the Speaker	775,000	775,000	
Office of the Majority Floor Leader	688,000	688,000	
Office of the Minority Floor Leader	767,000	767,000	
Office of the Majority Whip	603,000	603,000	
Office of the Minority Whip	524,000	524,000	
Total, House leadership offices	3,357,000	3,357,000	
MEMBERS' CLERK HIRE			
Clerk hire	173,659,000	170,186,000	−3,473,000
COMMITTEE EMPLOYEES			
Professional and clerical employees of standing committees	51,135,000	48,000,000	−3,135,000
COMMITTEE ON THE BUDGET (Studies)			
Salaries and expenses	329,000	329,000	
CONTINGENT EXPENSES OF THE HOUSE STANDING COMMITTEES, SPECIAL AND SELECT			
Salaries and expenses	50,211,000	48,311,000	−1,900,000

See footnotes at end of table, p. 3143.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1987 (H.R. 5203)--Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1987 (H.R. 5203) was not approved by the Congress. The bill passed the House on July 29, 1986. The Senate passed the bill, amended, on August 13, 1986. A conference report (House Report No. 99-805) was filed in the House on August 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 99-591 for those programs and activities normally included in H.R. 5203 (see p. 458, this volume, for Sec. 101(j) of Public Law 99-591, and pp. 127-142 for text of H.R. 5203).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
ALLOWANCES AND EXPENSES			
Official Expenses of Members	$85,000,000	$79,300,000	−$5,700,000
Supplies, materials, administrative costs and Federal tort claims	21,381,000	14,536,000	−6,845,000
Furniture and furnishings	1,475,000	1,475,000	
Stenographic reporting of committee hearings	650,000	550,000	−100,000
Reemployed annuitants reimbursement	750,000	750,000	
Government contributions	40,695,000	40,695,000	
Miscellaneous items	622,000	622,000	
Total, allowances and expenses	150,573,000	137,928,000	−12,645,000
Total, contingent expenses of the House	200,784,000	186,239,000	−14,545,000
COMMITTEE ON APPROPRIATIONS (Studies and Investigations)			
Salaries and expenses	4,300,000	4,300,000	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Clerk	14,260,000	13,825,000	−435,000
Office of the Sergeant at Arms	21,255,000	20,595,000	−660,000
Office of the Doorkeeper	7,064,000	6,992,000	−72,000
Office of the Postmaster	2,349,000	2,278,000	−71,000
Office of the Chaplain	73,000	73,000	
Office of the Parliamentarian	634,000	634,000	
Office of the Parliamentarian	(425,000)	(425,000)	
Compilation of precedents of the House of Representatives	(209,000)	(209,000)	
Office for the Bicentennial of the House of Representatives	237,000	226,000	−11,000
Office of the Law Revision Counsel of the House	884,000	844,000	−40,000
Office of the Legislative Counsel of the House	2,800,000	2,700,000	−100,000
Six minority employees	434,000	434,000	
House Democratic Steering Committee and Caucus	700,000	700,000	
Steering Committee	(562,000)	(562,000)	
Caucus	(138,000)	(138,000)	
House Republican Conference	700,000	700,000	
Other Authorized Employees	1,135,000	1,135,000	
Technical assistant, Office of the Attending Physician	(47,000)	(47,000)	
L.B.J. Interns and Former Speakers' staff	(981,000)	(981,000)	
Miscellaneous items	(107,000)	(107,000)	
Total, salaries, officers and employees	52,525,000	51,136,000	−1,389,000
Total, House of Representatives	486,374,100	463,907,200	−22,466,900
JOINT ITEMS			
CONTINGENT EXPENSES OF THE SENATE			
Joint Economic Committee	2,836,000	2,736,000	−100,000
Joint Committee on Printing	930,000	919,000	−11,000
Total, contingent expenses of the Senate	3,766,000	3,655,000	−111,000

See footnotes at end of table, p. 3143.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1987 (H.R. 5203)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1987 (H.R. 5203) was not approved by the Congress. The bill passed the House on July 29, 1986. The Senate passed the bill, amended, on August 13, 1986. A conference report (House Report No. 99-805) was filed in the House on August 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 99-591 for those programs and activities normally included in H.R. 5203 (see p. 458, this volume, for Sec. 101(j) of Public Law 99-591, and pp. 127-142 for text of H.R. 5203).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
CONTINGENT EXPENSES OF THE HOUSE			
Joint Committee on Taxation	$4,357,000	$4,159,000	−$198,000
OFFICE OF THE ATTENDING PHYSICIAN			
Medical supplies, equipment, expenses, and allowances	1,098,000	1,298,600	+200,000
CAPITOL POLICE			
General expenses	2,068,000	1,701,000	−367,000
OFFICIAL MAIL COSTS			
Expenses	143,118,000	91,423,000	−51,695,000
CAPITOL GUIDE SERVICE			
Salaries and expenses	934,000	880,000	−54,000
STATEMENTS OF APPROPRIATIONS			
Preparation	13,000	20,000	+7,000
Total, joint items	155,354,000	103,136,000	−52,218,000
OFFICE OF TECHNOLOGY ASSESSMENT			
Salaries and expenses	17,700,000	15,532,000	−2,168,000
BIOMEDICAL ETHICS BOARD			
Salaries and expenses		150,000	+150,000
CONGRESSIONAL BUDGET OFFICE			
Salaries and expenses	19,060,000	17,251,000	−1,809,000
ARCHITECT OF THE CAPITOL			
OFFICE OF THE ARCHITECT OF THE CAPITOL			
Salaries	5,606,000	5,262,000	−344,000
Contingent expenses	235,000	50,000	−185,000
Total, Office of the Architect of the Capitol	5,841,000	5,312,000	−529,000
CAPITOL BUILDINGS AND GROUNDS			
Capitol buildings	14,085,000	12,068,000	−2,017,000
Capitol grounds	3,317,000	3,182,000	−135,000
Senate Office Buildings	25,373,000	25,197,000	−176,000
House Office Buildings	27,336,000	25,227,000	−2,109,000
Capitol Power Plant	28,364,000	26,517,000	−1,847,000
Offsetting collections	−1,950,000	−1,950,000	
Net, Capitol Power Plant	26,414,000	24,567,000	−1,847,000
Total, Capitol buildings and grounds	96,525,000	90,241,000	−6,284,000
Total, Architect of the Capitol (except items in title II)	102,366,000	95,553,000	−6,813,000

See footnotes at end of table, p. 3143.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION--Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1987 (H.R. 5203)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1987 (H.R. 5203) was not approved by the Congress. The bill passed the House on July 29, 1986. The Senate passed the bill, amended, on August 13, 1986. A conference report (House Report No. 99-805) was filed in the House on August 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 99-591 for those programs and activities normally included in H.R. 5203 (see p. 458, this volume, for Sec. 101(j) of Public Law 99-591, and pp. 127-142 for text of H.R. 5203).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
LIBRARY OF CONGRESS			
CONGRESSIONAL RESEARCH SERVICE			
Salaries and expenses	$44,010,000	$39,602,000	−$4,408,000
GOVERNMENT PRINTING OFFICE			
Congressional printing and binding	71,500,000	62,000,000	−9,500,000
Total, title I—Congressional Operations:			
New budget (obligational) authority	1,208,987,900	1,106,889,214	−102,098,686
Appropriations	(1,208,987,900)	(1,104,689,214)	(−104,298,686)
Reapproptiation		(2,200,000)	(+2,200,000)
TITLE II—OTHER AGENCIES			
BOTANIC GARDEN			
Salaries and expenses	2,291,000	2,062,000	−229,000
LIBRARY OF CONGRESS			
Salaries and expenses	148,539,000	137,039,000	−11,500,000
Authority to spend receipts	−4,700,000	−4,700,000	
Net, Salaries and expenses	143,839,000	132,339,000	−11,500,000
Copyright Office, salaries and expenses	18,428,000	17,302,000	−1,126,000
Authority to spend receipts	−7,450,000	−7,427,000	+23,000
Net, Copyright Office	10,978,000	9,875,000	−1,103,000
Books for the blind and physically handicapped, salaries and expenses	38,847,000	35,996,000	−2,851,000
Collection and distribution of library materials (special foreign currency program):			
Payments in Treasury-owned foreign currencies	293,000	293,000	
U.S. dollars	97,000	97,000	
Total, collection and distribution of library materials	390,000	390,000	
Furniture and furnishings	15,983,000	5,070,000	−10,913,000
Total, Library of Congress (except Congressional Research Service)	210,037,000	183,670,000	−26,367,000
ARCHITECT OF THE CAPITOL			
LIBRARY BUILDINGS AND GROUNDS			
Structural and mechanical care	7,188,000	6,080,000	−1,108,000
COPYRIGHT ROYALTY TRIBUNAL			
Salaries and expenses	833,000	617,000	−216,000
Authority to spend receipts	−583,000	−494,000	+89,000
Net, Salaries and expenses	250,000	123,000	−127,000

See footnotes at end of table, p. 3143.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1987 (H.R. 5203)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1987 (H.R. 5203) was not approved by the Congress. The bill passed the House on July 29, 1986. The Senate passed the bill, amended, on August 13, 1986. A conference report (House Report No. 99-805) was filed in the House on August 15, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 99-591 for those programs and activities normally included in H.R. 5203 (see p. 458, this volume, for Sec. 101(j) of Public Law 99-591, and pp. 127-142 for text of H.R. 5203).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
GOVERNMENT PRINTING OFFICE			
Printing and binding	$15,400,000	$10,700,000	−$4,700,000
Office of Superintendent of Documents, salaries and expenses	27,835,000	23,634,000	−4,201,000
Receipts		−1,378,000	−1,378,000
Net, Office of Superintendent of Documents	27,835,000	22,256,000	−5,579,000
Total, Government Printing Office (except Congressional printing and binding)	43,235,000	32,956,000	−10,279,000
GENERAL ACCOUNTING OFFICE			
Salaries and expenses	349,552,000	304,910,000	−44,642,000
RAILROAD ACCOUNTING PRINCIPLES BOARD			
Salaries and expenses	750,000	600,000	−150,000
Total, title II—other agencies	613,303,000	530,401,000	−82,902,000
Grand total, all titles:			
New budget (*obligational*) authority	1,822,290,900	1,637,290,214	−185,000,686
Appropriations	(1,822,290,900)	(1,635,090,214)	(−187,200,686)
Reappropriation		(2,200,000)	(+2,200,000)

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[1] Includes the following budget amendments:

H. Doc. 99-172:	
Legislative Branch:	
Senate:	
Salaries, Officers, and Employees:	
Administrative, clerical, and legislative assistance to Senators	$243,000
Agency contributions	31,000
House of Representatives:	
Salaries, Officers, and Employees	1,492,000
Joint Items:	
Official mail costs	4,300,000
Congressional Budget Office:	
Salaries and expenses	510,000
Total, H. Doc. 99-172	6,576,000
H. Doc. 99-257:	
Legislative Branch:	
Senate:	
Salaries, Officers, and Employees:	
Office of the Sergeant at Arms and Doorkeeper	$4,888,000
Contingent expenses of the Senate:	
Sergeant at Arms and Doorkeeper of the Senate	5,795,000
House of Representatives:	
Payments to widows and heirs of deceased Members of Congress	75,100
Salaries, officers and employees	1,896,000
Total, H. Doc. 99-257	12,654,100
Total, budget amendments	19,230,100

[2] Senate floor amendment 2727 increased the account "Offices of Majority and Minority Leaders" by $100,000 but did not increase the total for "Salaries, Officers and Employees" (see pp. 128-129, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

MILITARY CONSTRUCTION APPROPRIATION BILL, 1987 (H.R. 5052)

[NOTE.—The Military Construction Appropriation Bill, 1987 (H.R. 5052) was not approved by the Congress. The bill passed the House on June 25, 1986. The Senate passed the bill, amended, on August 13, 1986, and asked for a conference. The House agreed to a conference on August 15, 1986, but no conference report was filed. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 99-591 for those programs and activities normally included in H.R. 5052 (see pp. 458-466, this volume, for Sec. 101(k) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Military construction, Army:			
Appropriation, fiscal year 1987	$1,695,200,000	$1,260,110,000	−$435,090,000
Rescission		−36,400,000	−36,400,000
Advance appropriation, fiscal year 1988	221,000,000	221,000,000	
Advance appropriation, fiscal year 1989	162,000,000	214,000,000	+52,000,000
Subtotal, military construction, Army *(net)*	2,078,200,000	1,658,710,000	−419,490,000
Military construction, Navy:			
Appropriation, fiscal year 1987	1,814,100,000	1,376,715,000	−437,385,000
Rescission		−25,800,000	−25,800,000
Subtotal, military construction, Navy *(net)*	1,814,100,000	1,350,915,000	−463,185,000
Military construction, Air Force:			
Appropriation, 1987	1,773,200,000	1,242,530,000	−530,670,000
Rescission		−24,700,000	−24,700,000
Subtotal, military construction, Air Force *(net)*	1,773,200,000	1,217,830,000	−555,370,000
Military construction, Defense agencies	762,100,000	534,170,000	−227,930,000
North Atlantic Treaty Organization Infrastructure	247,000,000	232,000,000	−15,000,000
Military construction, Army National Guard	121,100,000	140,879,000	+19,779,000
Military construction, Air National Guard	140,000,000	148,925,000	+8,925,000
Military construction, Army Reserve	86,700,000	86,700,000	
Military construction, Naval Reserve	44,500,000	44,500,000	
Military construction, Air Force Reserve	58,900,000	58,900,000	
Total, military construction *(net)*	7,125,800,000	5,473,529,000	−1,652,271,000
Appropriations, fiscal year 1987 *(net)*	(6,742,800,000)	(5,038,529,000)	(−1,704,271,000)
Appropriations	(6,742,800,000)	(5,125,429,000)	(−1,617,371,000)
Rescissions		(−86,900,000)	(−86,900,000)
Advance appropriation, fiscal year 1988	(221,000,000)	(221,000,000)	
Advance appropriation, fiscal year 1989	(162,000,000)	(214,000,000)	(+52,000,000)
Family housing, Army	1,740,646,000	1,597,657,000	−142,989,000
Portion applied to debt reduction	−7,646,000	−7,646,000	
Subtotal, family housing, Army	1,733,000,000	1,590,011,000	−142,989,000
Family housing, Navy and Marine Corps	792,913,000	708,693,000	−84,220,000
Portion applied to debt reduction	−8,613,000	−8,613,000	
Subtotal, family housing, Navy and Marine Corps	784,300,000	700,080,000	−84,220,000
Family housing, Air Force	860,409,000	815,420,000	−44,989,000
Portion applied to debt reduction	−6,909,000	−6,909,000	
Subtotal, family housing, Air Force	853,500,000	808,511,000	−44,989,000
Family housing, Defense agencies	17,600,000	16,643,000	−957,000
Homeowners Assistance Fund, Defense	6,000,000	2,000,000	−4,000,000
Total, family housing *(net)*	3,394,400,000	3,117,245,000	−277,155,000
Appropriations	(3,417,568,000)	(3,140,413,000)	(−277,155,000)
Applied to debt reduction	(−23,168,000)	(−23,168,000)	

See footnotes at end of table, p. 3145.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

MILITARY CONSTRUCTION APPROPRIATION BILL, 1987 (H.R. 5052)—Continued

[NOTE.—The Military Construction Appropriation Bill, 1987 (H.R. 5052) was not approved by the Congress. The bill passed the House on June 25, 1986. The Senate passed the bill, amended, on August 13, 1986, and asked for a conference. The House agreed to a conference on August 15, 1986, but no conference report was filed. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 99-591 for those programs and activities normally included in H.R. 5052 (see pp. 458–466, this volume, for Sec. 101(k) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987[1] [2]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Grand total:			
New budget *(obligational)* authority *(net)*	$10,520,200,000	$8,590,774,000	−$1,929,426,000
Appropriations, fiscal year 1987 *(net)*	(10,137,200,000)	(8,155,774,000)	(−1,981,426,000)
Appropriations	(10,160,368,000)	(8,265,842,000)	(−1,894,526,000)
Applied to debt reduction	(−23,168,000)	(−23,168,000)	
Rescissions		(−86,900,000)	(−86,900,000)
Advance appropriation, fiscal year 1988	(221,000,000)	(221,000,000)	
Advance appropriation, fiscal year 1989	(162,000,000)	(214,000,000)	(+52,000,000)

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[1] Includes the following budget amendments:

H. Doc. 99-171:	
Military construction, Army, fiscal year 1988	$221,000,000
Military construction, Army, fiscal year 1989	162,000,000
Total, budget amendments	383,000,000

[2] The following amendments were submitted too late to be considered as part of H.R. 5052:

H. Doc. 99-267:	
Military construction, Air Force	−$15,000,000
Military construction, Air Force Reserve	15,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5205)

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1987 (H.R. 5205) was not approved by the Congress. The bill passed the House on July 30, 1986. The Senate passed the bill, amended, on September 17, 1986. A conference report (House Report No. 99-976) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 99-591 for those programs and activities normally included in H.R. 5205 (see p. 478, this volume, for Sec. 101(l) of Public Law 99-591, and pp. 145-172 for text of H.R. 5205).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF TRANSPORTATION			
OFFICE OF THE SECRETARY			
Salaries and expenses	$56,540,000	$51,000,000	-$5,540,000
Immediate Office of the Secretary	(2)	(950,000)	
Immediate Office of the Deputy Secretary	(2)	(470,000)	
General Counsel	(2)	(5,300,000)	
Policy and International Affairs	(2)	(7,462,000)	
Budget and Programs	(2)	(2,090,000)	
Governmental Affairs	(2)	(2,475,000)	
Administration	(2)	(21,930,000)	
Public Affairs	(2)	(1,400,000)	
Executive Secretariat	(2)	(750,000)	
Contract Appeals Board	(2)	(390,000)	
Office of Civil Rights	(2)	(1,260,000)	
Office of Commercial Space Transportation	(2)	(478,000)	
Office of Essential Air Service	(2)	(1,750,000)	
Regional Representatives	(2)	(565,000)	
Office of Small and Disadvantaged Business Utilization	(2)	(3,730,000)	
Transportation planning, research, and development		3,349,000	+3,349,000
(By transfer)		*(650,000)*	*(+650,000)*
(Limitation on working capital fund)	*(69,640,000)*	*(65,500,000)*	*(-4,140,000)*
Payments to air carriers		30,000,000	+30,000,000
Total, Office of the Secretary	56,540,000	84,349,000	+27,809,000
COAST GUARD			
Operating expenses	[3]1,862,800,000	[3, 4]1,755,000,000	-107,800,000
Acquisition, construction, and improvements	77,100,000	[5]209,000,000	+131,900,000
Retired pay	364,000,000	364,000,000	
Reserve training	65,200,000	64,400,000	-800,000
Research, development, test, and evaluation	20,500,000	20,000,000	-500,000
Offshore oil pollution compensation fund	1,000,000	1,000,000	
(Limitation on obligations)	*(60,000,000)*	*(60,000,000)*	
Deepwater port liability fund	1,000,000	1,000,000	
(Limitation on obligations)	*(50,000,000)*	*(50,000,000)*	
Boat safety:			
(Liquidation of contract authorization)	*(15,000,000)*	*(30,000,000)*	*(+15,000,000)*
(Limitation on obligations)	*(15,000,000)*	*(30,000,000)*	*(+15,000,000)*
Total, Coast Guard	2,391,600,000	[6]2,414,400,000	+22,800,000
FEDERAL AVIATION ADMINISTRATION			
Headquarters administration		34,500,000	+34,500,000
Operations	[7]2,799,780,000	[8]2,783,000,000	-16,780,000
(By transfer)		*(10,000,000)*	*(+10,000,000)*
Subtotal, Headquarters administration and operations	2,799,780,000	2,817,500,000	+17,720,000
Facilities and equipment *(Airport and Airway Trust Fund)*	825,000,000	804,584,000	-20,416,000
(By transfer)		*(1,914,000)*	*(+1,914,000)*

See footnotes at end of table, p. 3150.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5205)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1987 (H.R. 5205) was not approved by the Congress. The bill passed the House on July 30, 1986. The Senate passed the bill, amended, on September 17, 1986. A conference report (House Report No. 99-976) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 99-591 for those programs and activities normally included in H.R. 5205 (see p. 478, this volume, for Sec. 101(l) of Public Law 99-591, and pp. 145-172 for text of H.R. 5205).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Research, engineering, and development *(Airport and Airway Trust Fund)*	$134,500,000	$141,700,000	+$7,200,000
Grants-in-aid for airports:			
(Liquidation of contract authorization) (Airport and Airway Trust Fund)	*(800,000,000)*	*(860,000,000)*	*(+60,000,000)*
(Limitation on obligations)	*(712,500,000)*	*(1,000,000,000)*	*(+287,500,000)*
Operation and maintenance, Metropolitan Washington Airports	34,600,000	35,000,000	+400,000
Construction, Metropolitan Washington Airports	7,000,000	7,000,000	
Aircraft purchase loan guarantee program:			
(Limitation on borrowing authority)	*(125,000,000)*	*(75,000,000)*	*(−50,000,000)*
Appropriation		[9] 14,816,000	+14,816,000
Total, Federal Aviation Administration	3,800,880,000	3,807,084,000	+6,204,000
FEDERAL HIGHWAY ADMINISTRATION			
(Limitation on general operating expenses)	*(206,191,000)*	*(202,750,000)*	*(−3,441,000)*
Highway safety research and development *(Highway Trust Fund)*	[10] 7,000,000	7,000,000	
Highway-related safety grants:			
(Liquidation of contract authorization) (Highway Trust Fund)	*(12,000,000)*	*(12,000,000)*	
(Limitation on obligations)	*(10,000,000)*	*(10,000,000)*	
Railroad-highway crossings demonstration projects		[11] 11,750,000	+11,750,000
Federal-aid highways *(Highway Trust Fund)*:			
(Limitation on obligations)	*(12,420,000,000)*	*(13,000,000,000)*	*(+580,000,000)*
(Liquidation of contract authorization)	*(13,036,000,000)*	*(13,130,000,000)*	*(+94,000,000)*
Right-of-way Revolving Fund *(limitation on direct loans) (Highway Trust Fund)*	*(50,000,000)*	*(47,850,000)*	*(−2,150,000)*
Motor carrier safety	[10] 19,515,000	19,515,000	
Motor carrier safety grants *(Highway Trust Fund)*		16,269,000	+16,269,000
Access highways to public recreation areas on certain lakes		5,000,000	+5,000,000
Baltimore-Washington Parkway *(Highway Trust Fund)*		8,000,000	+8,000,000
Waste isolation pilot project roads		10,000,000	+10,000,000
Airport-highway demonstration project		1,887,000	+1,887,000
Expressway gap closing demonstration project		6,200,000	+6,200,000
Intermodal urban demonstration project *(Highway Trust Fund)*		10,000,000	+10,000,000
Highway safety and economic development demonstration projects *(Highway Trust Fund)*		10,000,000	+10,000,000
Airport access demonstration project *(Highway Trust Fund)*		4,000,000	+4,000,000
Highway safety imporvement demonstration project *(Highway Trust Fund)*		4,800,000	+4,800,000
Highway-railroad grade crossing safety demonstration project *(Highway Trust Fund)*		2,000,000	+2,000,000
Nuclear waste transportation safety demonstration project *(Highway Trust Fund)*		2,000,000	+2,000,000
Theodore Roosevelt Bridge capacity improvements *(Highway Trust Fund)*		1,500,000	+1,500,000
Airport access highway demonstration project *(Highway Trust Fund)*		2,500,000	+2,500,000
Total, Federal Highway Administration	26,515,000	122,421,000	+95,906,000

See footnotes at end of table, p. 3150.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5205)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1987 (H.R. 5205) was not approved by the Congress. The bill passed the House on July 30, 1986. The Senate passed the bill, amended, on September 17, 1986. A conference report (House Report No. 99-976) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 99-591 for those programs and activities normally included in H.R. 5205 (see p. 478, this volume, for Sec. 101(l) of Public Law 99-591, and pp. 145-172 for text of H.R. 5205).]

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Operations and research	[12]$83,930,000	[13]$89,222,000	+$5,292,000
(By transfer)		*(5,000,000)*	*(+5,000,000)*
Highway traffic safety grants:			
(Liquidation of contract authorization) (Highway Trust Fund)	*(118,000,000)*	*(127,000,000)*	*(+9,000,000)*
State and community highway safety *(limitation on obligations)*	*(110,000,000)*	*(121,060,000)*	*(+11,060,000)*
Alcohol safety incentive grants:			
(Limitation on obligations)	*(17,900,000)*	*(16,150,000)*	*(−1,750,000)*
(Cumulative limitation on obligations)		[14]*(4,750,000)*	*(+4,750,000)*
Rescission		−5,000,000	−5,000,000
Total, National Highway Traffic Safety Administration *(net)*	83,930,000	84,222,000	+292,000
FEDERAL RAILROAD ADMINISTRATION			
Office of the Administrator	10,958,000	23,375,000	+12,417,000
(By transfer)	[15]*(5,875,000)*	*(3,500,000)*	*(−2,375,000)*
Railroad safety	[16]35,819,000	27,050,000	−8,769,000
Railroad research and development		9,581,000	+9,581,000
Northeast corridor improvement program		16,962,000	+16,962,000
Grants to the National Railroad Passenger Corporation		594,791,000	+594,791,000
(By transfer)		[17]*(7,209,000)*	*(+7,209,000)*
Redeemable preference shares		6,500,000	+6,500,000
Conrail commuter transition assistance		5,000,000	+5,000,000
Total, Federal Railroad Administration	46,777,000	683,259,000	+636,482,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Administrative expenses		31,000,000	+31,000,000
Research, training, and human resources		17,400,000	+17,400,000
Formula grants		2,000,000,000	+2,000,000,000
Transportation block grants—transit:			
(Limitation of obligations)	*(1,220,000,000)*		*(−1,220,000,000)*
(Liquidation of contract authorization)	*(264,625,000)*		*(−264,625,000)*
Discretionary grants *(Highway Trust Fund)*:			
(Limitation on obligations)		*(1,002,500,000)*	*(+1,002,500,000)*
(Liquidation of contract authorization)	*(950,000,000)*	*(1,100,000,000)*	*(+150,000,000)*
Interstate transfer grants—transit		200,000,000	+200,000,000
Washington Metro		201,119,500	+201,119,500
Total, Urban Mass Transportation Administration		2,449,519,500	+2,449,519,500
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION			
(Limitation on administrative expenses)	*(1,990,000)*	*(1,925,000)*	*(−65,000)*
Eisenhower Lock Repair		2,000,000	+2,000,000
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION			
Research and special programs	20,024,000	19,950,000	−74,000

See footnotes at end of table, p. 3150.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5205)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1987 (H.R. 5205) was not approved by the Congress. The bill passed the House on July 30, 1986. The Senate passed the bill, amended, on September 17, 1986. A conference report (House Report No. 99-976) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 99-591 for those programs and activities normally included in H.R. 5205 (see p. 478, this volume, for Sec. 101(l) of Public Law 99-591, and pp. 145-172 for text of H.R. 5205).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF THE INSPECTOR GENERAL			
Salaries and expenses	$27,630,000	$27,200,000	−$430,000
Total, title I, Department of Transportation:			
New budget *(obligational)* authority *(net)*	6,453,896,000	9,694,404,500	+3,240,508,500
Appropriations	(6,453,896,000)	(9,712,920,500)	(+3,259,024,500)
Appropriations for debt reduction		(−13,516,000)	(−13,516,000)
Rescission		(−5,000,000)	(−5,000,000)
(By transfer)	*(5,875,000)*	*(28,273,000)*	*(+22,398,000)*
(Limitations on general operating and administrative expenses)	*(208,181,000)*	*(204,675,000)*	*(−3,506,000)*
(Limitations on obligations)	*(14,615,400,000)*	*(15,289,710,000)*	*(+674,310,000)*
(Cumulative limitations on obligations)		*(4,275,000)*	*(+4,275,000)*
(Limitations on direct loans)	*(50,000,000)*	*(47,850,000)*	*(−2,150,000)*
(Limitation on working capital fund)	*(69,640,000)*	*(65,500,000)*	*(−4,140,000)*
(Liquidation of contract authorization)	*(15,195,625,000)*	*(15,259,000,000)*	*(+63,375,000)*
(Limitation on borrowing authority)	*(125,000,000)*	*(75,000,000)*	*(−50,000,000)*
TITLE II—RELATED AGENCIES			
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD			
Salaries and expenses	1,975,000	1,890,000	−85,000
NATIONAL TRANSPORTATION SAFETY BOARD			
Salaries and expenses	21,430,000	22,240,000	+810,000
INTERSTATE COMMERCE COMMISSION			
Salaries and expenses	48,300,000	46,802,000	−1,498,000
(By transfer)		[18] *(53,000)*	*(+53,000)*
Payments for directed rail service *(limitation on obligations)*		*(1,000,000)*	*(+1,000,000)*
PANAMA CANAL COMMISSION			
Operating expenses	409,770,000	409,770,000	
Capital outlay	27,480,000	24,403,000	−3,077,000
Total, Panama Canal Commission	437,250,000	434,173,000	−3,077,000
DEPARTMENT OF THE TREASURY			
Office of the Secretary *(investment in fund anticipation notes)*		*(6,500,000)*	*(+6,500,000)*
UNITED STATES RAILWAY ASSOCIATION			
Administrative expenses		2,200,000	+2,200,000
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY			
Interest payments	51,663,569	51,663,569	
Total, title II, related agencies:			
New budget *(obligational)* authority	560,618,569	[19] 558,968,569	−1,650,000
(Limitation on obligations)		*(1,000,000)*	*(+1,000,000)*
(By transfer)		*(53,000)*	*(+53,000)*
(Investment)		*(6,500,000)*	*(+6,500,000)*

See footnotes at end of table, p. 3150.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1987 (H.R. 5205)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1987 (H.R. 5205) was not approved by the Congress. The bill passed the House on July 30, 1986. The Senate passed the bill, amended, on September 17, 1986. A conference report (House Report No. 99-976) was filed in the House on October 7, 1986, but no further action was taken. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 99-591 for those programs and activities normally included in H.R. 5205 (see p. 478, this volume, for Sec. 101(l) of Public Law 99-591, and pp. 145-172 for text of H.R. 5205).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III—GENERAL PROVISIONS			
Advisory Committees *(sec. 315) (limitation on administrative expenses)*		*($750,000)*	*(+$750,000)*
Grand total, all titles:			
New budget *(obligational)* authority *(net)*	$7,014,514,569	10,253,373,069	+3,238,858,500
Appropriations	(7,014,514,569)	(10,271,889,069)	(+3,257,374,500)
Appropriations for debt reduction		(−13,516,000)	(−13,516,000)
Rescission		(−5,000,000)	(−5,000,000)
(By transfer)	*(5,875,000)*	*(28,326,000)*	*(+22,451,000)*
(Limitation on borrowing authority)	*(125,000,000)*	*(75,000,000)*	*(−50,000,000)*
(Limitations on general operating and administrative expenses)	*(208,181,000)*	*(205,425,000)*	*(−2,756,000)*
(Limitations on obligations)	*(14,615,400,000)*	*(15,290,710,000)*	*(+675,310,000)*
(Cumulative limitation on obligations)		*(4,750,000)*	*(+4,750,000)*
(Limitations on direct loans)	*(50,000,000)*	*(47,850,000)*	*(−2,150,000)*
(Limitation on working capital fund)	*(69,640,000)*	*(65,500,000)*	*(−4,140,000)*
(Appropriations to liquidate contract authorizations)	*(15,195,625,000)*	*(15,259,000,009)*	*(+63,375,000)*
(Investment)		*(6,500,000)*	*(+6,500,000)*

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[1] Includes the following budget amendments:

H. Doc. 99-257:
  Department of Transportation:
    Federal Railroad Administration:
      Office of the Administrator *(by transfer)* *($5,875,000)*

[2] The President's budget request for "Salaries and Expenses" was for a consolidated amount of $56,540,000. Congress appropriated specific amounts for these funding levels.

[3] Includes $30,000,000 current trust funds.

[4] In addition, $75,000,000 is available from "Operation and Maintenance, Navy", and $200,000,000 is provided for "Coastal Defense Augmentation" in Department of Defense Appropriations Act, 1987 (see pp. 270 and 278, this volume). Excludes $39,000,000 appropriated under Title II, Chapter V (Omnibus Drug Supplemental Appropriations Act, 1987) of Public Law 99-591 (see p. 527, this volume).

[5] Excludes $89,000,000 appropriated under Title II, Chapter V (Omnibus Drug Supplemental Appropriations Act, 1987) of Public Law 99-591 (see p. 527, this volume).

[6] Excludes $128,000,000 appropriated for Coast Guard under Title II, Chapter V (Omnibus Drug Supplemental Appropriations Act, 1987) of Public Law 99-591 (see p. 527, this volume).

[7] Includes $2,099,835,000 current trust funds and funds for Headquarters Administration ($34,913,000).

[8] Includes $621,168,000 current trust funds.

[9] Includes estimate of $1,300,000 in interest.

[10] Proposed to be financed by current trust funds.

[11] Includes $7,833,333 current trust funds.

[12] Includes $29,040,000 current trust funds.

[13] Includes $34,172,000 current trust funds.

[14] Cumulative limitation on obligations for fiscal years 1983, 1984, 1985, 1986, and 1987.

[15] Includes budget amendment of $5,875,000 by transfer in H. Doc. 99-257.

[16] Includes funds for Railroad research and development.

[17] Estimate of unexpended balances from "Conrail work force reduction".

[18] Estimate of unobligated balances of "Payments for directed rail service".

[19] Excludes $2,000,000 appropriated for Aviation Safety Commission under Title V, Aviation Safety, of Public Law 99-591 (see p. 542, this volume).

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1987 (H.R. 5294)

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1987 (H.R. 5294), was not approved by the Congress. The bill passed the House on August 6, 1986. The Senate reported the bill on August 14, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(m) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(m) of Public Law 99-591 for those programs and activities normally included in H.R. 5294 (see pp. 478-512, this volume, for Sec. 101(m) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE TREASURY			
Office of the Secretary:			
Salaries and expenses	$80,084,000	$52,642,000	−$27,442,000
International affairs		22,442,000	+22,442,000
Total, Office of the Secretary	80,084,000	75,084,000	−5,000,000
Federal Law Enforcement Training Center	21,049,000	29,499,000	+8,450,000
Financial Management Service	251,117,000	240,117,000	−11,000,000
Bureau of Alcohol, Tobacco, and Firearms	178,463,000	193,463,000	+15,000,000
United States Customs Service:			
Salaries and expenses	693,000,000	786,000,000	+93,000,000
Operations and maintenance, air interdiction program	64,700,000	77,819,000	+13,119,000
Customs forfeiture fund *(limitation on availability of deposits)*	8,000,000	8,000,000	
Customs services at small airports *(to be derived from fees collected)*	365,000	365,000	
Total, United States Customs Service	766,065,000	872,184,000	+106,119,000
United States Mint:			
Salaries and expenses	43,521,000	42,508,000	−1,013,000
Expansions and improvements	694,000	694,000	
Total, United States Mint	44,215,000	43,202,000	−1,013,000
Bureau of the Public Debt	218,564,000	198,564,000	−20,000,000
Internal Revenue Service:			
Salaries and expenses	95,147,000	95,147,000	
Processing tax returns	1,262,902,000	1,332,902,000	+70,000,000
Examinations and appeals	1,603,162,000	1,623,162,000	+20,000,000
Investigation, collection, and taxpayer service	1,136,581,000	1,196,581,000	+60,000,000
Total, Internal Revenue Service	4,097,792,000	4,247,792,000	+150,000,000
United States Secret Service	307,140,000	318,000,000	+10,860,000
Total, title I, Department of the Treasury, new budget *(obligational)* authority	5,964,489,000	6,217,905,000	+253,416,000
TITLE II—POSTAL SERVICE			
Payment to the Postal Service Fund	40,049,000	650,000,000	+609,951,000
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT			
Compensation of the President	250,000	250,000	
Office of Administration	16,238,000	15,700,000	−538,000
The White House Office	25,179,000	24,450,000	−729,000
Executive Residence at the White House	4,942,000	4,700,000	−242,000
Official Residence of the Vice President	211,000	211,000	
Special Assistance to the President	1,849,000	1,790,000	−59,000
Council of Economic Advisers	2,346,000	2,275,000	−71,000
Office of Policy Development	2,665,000	2,600,000	−65,000
National Critical Materials Council	250,000	175,000	−75,000
National Security Council	4,627,000	4,550,000	−77,000
Office of Management and Budget	39,682,000	37,000,000	−2,682,000

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[1] See footnote at end of table, p. 3153.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1987 (H.R. 5294)—Continued

[NOTE—The Treasury, Postal Service, and General Government Appropriations Bill, 1987 (H.R. 5294), was not approved by the Congress. The bill passed the House on August 6, 1986. The Senate reported the bill on August 14, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(m) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(m) of Public Law 99-591 for those programs and activities normally included in H.R. 5294 (see pp. 478-512, this volume, for Sec. 101(m) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Office of Federal Procurement Policy	$1,660,000	$1,600,000	−$60,000
Unanticipated Needs	1,000,000	1,000,000	
Total, title III, Executive Office of the President, new budget *(obligational)* authority	100,899,000	96,301,000	−4,598,000
TITLE IV—INDEPENDENT AGENCIES			
Administrative Conference of the United States	1,559,000	1,469,000	−90,000
Advisory Commission on Intergovernmental Relations	2,090,000	1,750,000	−340,000
Advisory Committee on Federal Pay	229,000	201,000	−28,000
Committee for Purchase from the Blind and Other Severely Handicapped	778,000	778,000	
Federal Election Commission	12,800,000	12,800,000	
General Services Administration:			
Federal Buildings Fund:			
(Limitation on availability of revenue):			
Construction and acquisition of facilities	*(100,000,000)*	*(125,548,000)*	*(+25,548,000)*
Repairs and alterations	*(362,044,000)*	*(270,222,000)*	*(−91,822,000)*
Payment on purchase contracts	*(143,442,000)*	*(131,442,000)*	*(−12,000,000)*
Rental of space	*(935,100,000)*	*(985,000,000)*	*(+49,900,000)*
Real property operations	*(734,319,000)*	*(753,219,000)*	*(+18,900,000)*
Program direction and centralized services	*(57,090,000)*	*(57,090,000)*	
Design and construction services	*(72,442,000)*	*(63,335,000)*	*(−9,107,000)*
Total, Federal Buildings Fund *(limitations)*	*(2,404,437,000)*	*(2,385,856,000)*	*(−18,581,000)*
Federal Supply Service:			
Operating expenses	170,839,000	160,944,000	−9,895,000
Limitation increase		5,300,000	+5,300,000
Recoveries of transportation charges		−11,300,000	−11,300,000
Total, Federal Supply Service	170,839,000	154,944,000	−15,895,000
Federal property resources service	40,975,000	39,108,000	−1,867,000
National defense stockpile transaction fund		10,000,000	+10,000,000
General management and administration	125,374,000	120,289,000	−5,085,000
Information Resources Management Service	30,653,000	29,000,000	−1,653,000
Office of the Inspector General	21,108,000	21,108,000	
Allowances and Office Staff for Former Presidents	1,234,000	1,171,800	−62,200
Total, General Activities	219,344,000	220,676,800	+1,332,800
Total, General Services Administration	390,183,000	375,620,800	−14,562,200
National Archives and Records Administration	101,321,000	100,321,000	−1,000,000
Office of Personnel Management:			
Salaries and expenses:			
Appropriation	99,846,000	99,000,000	−846,000
(Limitation on administrative expenses)	*(55,400,000)*	*(60,900,000)*	*(+5,500,000)*
Government payment for annuitants, employees health benefits	1,469,357,000	1,459,000,000	−10,357,000
Payment to civil service retirement and disability fund	4,619,365,000	4,557,000,000	−62,365,000
Federal Retirement Thrift Investment Board		5,250,000	+5,250,000
Total, Office of Personnel Management	6,188,568,000	6,120,250,000	−68,318,000

See footnote at end of table, p. 3153.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1987 (H.R. 5294)—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1987 (H.R. 5294), was not approved by the Congress. The bill passed the House on August 6, 1986. The Senate reported the bill on August 14, 1986, and took no further action. Programs normally funded in this bill have been provided for under Sec. 101(m) of Public Laws 99-500 and 99-591, approved October 18 and October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. The following table reflects the funding levels as provided under Sec. 101(m) of Public Law 99-591 for those programs and activities normally included in H.R. 5294 (see pp. 478-512, this volume, for Sec. 101(m) of Public Law 99-591).]

Agency and item	Estimates of new budget (obligational) authority, 1987 [1]	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Merit Systems Protection Board:			
Salaries and expenses	$20,251,000	$19,140,000	−$1,111,000
(Limitation)	*(1,200,000)*	*(1,200,000)*	
Office of Special Counsel	4,640,000	4,396,000	−244,000
Total, Merit Systems Protection Board	24,891,000	23,536,000	−1,355,000
Federal Labor Relations Authority	17,064,000	16,330,000	−734,000
Total, Federal personnel activities	6,230,523,000	6,160,116,000	−70,407,000
United States Tax Court	25,538,000	25,538,000	
Total, title IV, Independent Agencies:			
New budget *(obligational)* authority	6,765,021,000	6,678,593,800	−86,427,200
(Limitations)	*(2,461,037,000)*	*(2,447,956,000)*	*(−13,081,000)*
Grand total, all titles:			
New budget *(obligational)* authority	12,870,458,000	13,642,799,800	+772,341,800
(Limitations)	*(2,461,037,000)*	*(2,447,956,000)*	*(−13,081,000)*

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[1] Includes the following budget amendments:

H. Doc. 99-257:	
Department of the Treasury:	
United States Mint:	
Salaries and expenses	−$4,287,000
Independent Agencies:	
Office of Personnel Management:	
Salaries and expenses *(by transfer from trust funds)*	*(6,500,000)*
H. Doc. 99-267:	
Department of the Treasury:	
Federal Law Enforcement Training Center:	
Salaries and expenses	$150,000
United States Customs Service:	
Operation and maintenance, air interdiction program	10,000,000
Total, H. Doc. 99-267	10,150,000
Total, budget amendments *(net)*	5,863,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1987, PUBLIC LAW 99-591, APPROVED OCTOBER 30, 1986

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 1987 (H.R. 5177)			
Fiscal year 1987 appropriations (pp. 189-226)	[1] *($45,802,042,000)*	[1] *($45,727,595,000)*	*(−$74,447,000)*
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1987 (H.R. 5161)			
Fiscal year 1987 appropriations *(net)* (pp. 226-267)	[1] *(15,978,615,000)*	[1] *(12,372,985,000)*	*(−3,605,630,000)*
DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1987 (H.R. 5438)			
Fiscal year 1987 appropriations *(net)* (pp. 268-357)	[1] *(299,032,138,000)*	[1] *(268,675,129,000)*	*(−30,357,009,000)*
DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1987 (H.R. 5175)			
Federal funds to the District of Columbia (pp. 357-370)	[1] *(560,380,000)*	[1] *(580,380,000)*	*(+20,000,000)*
Fiscal year 1987 appropriations	[1] *(560,380,000)*	[1] *(560,380,000)*	
Fiscal year 1988 advance appropriations		[1] *(20,000,000)*	*(+20,000,000)*
District of Columbia funds *(net)* (pp. 357-370)	[1] *(3,149,725,000)*	[1] *(3,215,534,000)*	*(+65,809,000)*
Fiscal year 1987 appropriations	[1] *(2,989,598,000)*	[1] *(3,060,407,000)*	*(+70,809,000)*
Fiscal year 1986 supplemental appropriations *(net)*	[1] *(160,127,000)*	[1] *(155,127,000)*	*(−5,000,000)*
ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1987 (H.R. 5162)			
Fiscal year 1987 appropriations (pp. 371-389)	[1] *(15,870,143,000)*	[1] *(15,007,277,000)*	*(−862,866,000)*
FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS ACT, 1987 (H.R. 5339)			
Fiscal year 1987 appropriations (pp. 389-415)	[1] *(15,499,034,125)*	[1] *(13,372,245,711)*	*(−2,126,788,414)*
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1987 (H.R. 5313)			
Fiscal year 1987 appropriations *(net)* (p. 416)	[1] *(46,806,409,000)*	[1] *(53,577,802,700)*	*(+6,771,393,700)*
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Research and development		36,000,000	+36,000,000
Space flight, control and data communications		2,398,000,000	+2,398,000,000
Total, National Aeronautics and Space Administration		2,434,000,000	+2,434,000,000
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1987 (H.R. 5234)			
Fiscal year 1987 appropriations (pp. 416-458)	[1] *(6,616,975,000)*	[1] *(8,308,405,000)*	*(+1,691,430,000)*
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1987 (H.R. 5233)			
Fiscal year 1987 appropriations (p. 458)	[1] *(104,760,059,000)*	[1] *(113,947,638,000)*	*(+9,187,579,000)*
LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1987 (H.R. 5203)			
Fiscal year 1987 appropriations (p. 458)	[1] *(1,822,290,900)*	[1] *(1,637,290,214)*	*(−185,000,686)*

See footnotes at end of table, p. 3158.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1987, PUBLIC LAW 99-591, APPROVED OCTOBER 30, 1986—Continued

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1987 (H.R. 5052)			
Fiscal year 1987 appropriations *(net)* (pp. 458-466)	[3] *($10,520,200,000)*	[3] *($8,590,774,000)*	*(−$1,929,426,000)*
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1987 (H.R. 5205)			
Fiscal year 1987 appropriations (p. 478)	[3] *(7,014,514,569)*	[3] *(10,253,373,069)*	*(+3,238,858,500)*
TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1987 (H.R. 5294)			
Fiscal year 1987 appropriations (pp. 478-512)	[3] *(12,870,458,000)*	[3] *(13,642,799,800)*	*(+772,341,800)*
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Refugee and entrant assistance	373,998,000	[2] 361,633,000	−12,365,000
DEPARTMENT OF EDUCATION			
Special programs		[2] 7,177,000	+7,177,000
DEPARTMENT OF COMMERCE			
ECONOMIC DEVELOPMENT ADMINISTRATION			
Economic development assistance programs		9,500,000	+9,500,000
Total, Title I	373,998,000	2,812,310,000	+2,438,312,000
TITLE II			
OMNIBUS DRUG SUPPLEMENTAL APPROPRIATIONS ACT, 1987 (H.R. 5484)			
CHAPTER I			
DEPARTMENT OF JUSTICE			
LEGAL ACTIVITIES			
Salaries and expenses, United States Attorneys	6,000,000	31,000,000	+25,000,000
Salaries and expenses, United States Marshals Service		17,000,000	+17,000,000
Support of United States Prisoners		5,000,000	+5,000,000
Assets Forfeiture fund *(indefinite)*		75,000,000	+75,000,000
Total, legal activities	6,000,000	128,000,000	+122,000,000
Definite	(6,000,000)	(53,000,000)	(+47,000,000)
Indefinite		(75,000,000)	(+75,000,000)
FEDERAL BUREAU OF INVESTIGATION			
Salaries and expenses		2,000,000	+2,000,000
DRUG ENFORCEMENT AGENCY			
Salaries and expenses	26,000,000	60,000,000	+34,000,000
FEDERAL PRISON SYSTEM			
Salaries and expenses		28,000,000	+28,000,000
Buildings and facilities		96,500,000	+96,500,000
Total, Federal prison system		124,500,000	+124,500,000

See footnotes at end of table, p. 3158.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1987, PUBLIC LAW 99-591, APPROVED OCTOBER 30, 1986—Continued

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF JUSTICE PROGRAMS			
Justice assistance		$225,000,000	+$225,000,000
Total, Department of Justice	$32,000,000	539,500,000	+507,500,000
Definite	(32,000,000)	(464,500,000)	(+432,500,000)
Indefinite		(75,000,000)	(+75,000,000)
THE JUDICIARY			
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES			
Salaries and expenses		12,000,000	+12,000,000
Defender services		18,000,000	+18,000,000
Fees of Jurors and Commissioners		7,500,000	+7,500,000
Total, the Judiciary		37,500,000	+37,500,000
RELATED AGENCY			
UNITED STATES INFORMATION AGENCY			
Salaries and expenses		2,000,000	+2,000,000
Total, Chapter I	32,000,000	579,000,000	+547,000,000
Definite	(32,000,000)	(504,000,000)	(+472,000,000)
Indefinite		(75,000,000)	(+75,000,000)
CHAPTER II			
FOREIGN ASSISTANCE			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Education and human resources development, Development Assistance		3,000,000	+3,000,000
DEPARTMENT OF STATE			
International narcotics control		53,000,000	+53,000,000
Total, Chapter II		56,000,000	+56,000,000
CHAPTER III			
DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
Operation of the national park system		1,000,000	+1,000,000
BUREAU OF INDIAN AFFAIRS			
Operation of Indian programs		10,000,000	+10,000,000
Construction		12,500,000	+12,500,000
Total, Bureau of Indian Affairs		22,500,000	+22,500,000
Total, Department of the Interior		23,500,000	+23,500,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1987, PUBLIC LAW 99-591, APPROVED OCTOBER 30, 1986—Continued

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH RESOURCES AND SERVICES ADMINISTRATION			
Indian health services		$16,200,000	+$16,200,000
Indian health facilities		5,500,000	+5,500,000
Total, Department of Health and Human Services		21,700,000	+21,700,000
Total, Chapter III		45,200,000	+45,200,000
CHAPTER IV			
DEPARTMENT OF LABOR			
DEPARTMENTAL MANAGEMENT			
Salaries and expenses		3,000,000	+3,000,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Alcohol, Drug Abuse, and Mental Health		262,000,000	+262,000,000
DEPARTMENT OF EDUCATION			
Special programs		200,000,000	+200,000,000
RELATED AGENCY			
ACTION, operating expenses		3,000,000	+3,000,000
Total, Chapter IV		468,000,000	+468,000,000
CHAPTER V			
DEPARTMENT OF TRANSPORTATION			
COAST GUARD			
Operating expenses		39,000,000	+39,000,000
Acquisition, construction, and improvements		89,000,000	+89,000,000
Total, Chapter V		128,000,000	+128,000,000
CHAPTER VI			
DEPARTMENT OF THE TREASURY			
U.S. CUSTOMS SERVICE			
Salaries and expenses		44,120,000	+44,120,000
Operation and maintenance, Air Interdiction Program		93,131,000	+93,131,000
Customs forfeiture fund		10,000,000	+10,000,000
Total, U.S. Customs Service		147,251,000	+147,251,000
UNITED STATES SECRET SERVICE			
Salaries and expenses		5,000,000	+5,000,000
PAYMENT TO THE GOVERNMENT OF PUERTO RICO			
Grant		7,800,000	+7,800,000
Total, Department of the Treasury		160,051,000	+160,051,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 99TH CONGRESS, 2D SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1987, PUBLIC LAW 99-591, APPROVED OCTOBER 30, 1986—Continued

Agency and item	Estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
EXECUTIVE OFFICE OF THE PRESIDENT			
WHITE HOUSE CONFERENCE ON DRUG ABUSE AND CONTROL			
Salaries and expenses		$5,000,000	+$5,000,000
Total, Chapter VI		165,051,000	+165,051,000
CHAPTER VII			
DEPARTMENT OF DEFENSE			
OPERATION AND MAINTENANCE			
Operation and Maintenance, Navy		15,000,000	+15,000,000
Operation and Maintenance, Air Force		12,615,000	+12,615,000
Total, Operation and Maintenance		27,615,000	+27,615,000
PROCUREMENT			
Aircraft procurement, Army		18,000,000	+18,000,000
Aircraft procurement, Navy		183,000,000	+183,000,000
Other procurement, Air Force		71,385,000	+71,385,000
Total, Procurement		272,385,000	+272,385,000
Total, Chapter VII		300,000,000	+300,000,000
Total, Title II, Omnibus Drug Supplemental Act, 1987:			
New budget *(obligational)* authority	$32,000,000	1,741,251,000	+1,709,251,000
Definite	(32,000,000)	(1,666,251,000)	(+1,634,251,000)
Indefinite		(75,000,000)	(+75,000,000)
TITLE V—AVIATION SAFETY			
Appropriations		2,000,000	+2,000,000
Total, Fourth Further Continuing Appropriations, 1987 (P.L. 99-591):			
New budget *(obligational)* authority	405,998,000	4,555,561,000	+4,149,563,000
Definite	(405,998,000)	(4,480,561,000)	(+4,074,563,000)
Indefinite		(75,000,000)	(+75,000,000)

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[1] For informational purposes only. Even though funding authority for programs and activities normally included in these thirteen annual appropriations bills (H.R. 5177, H.R. 5161, H.R. 5438, H.R. 5175, H.R. 5162, H.R. 5339, H.R. 5313, H.R. 5234, H.R. 5233, H.R. 5203, H.R. 5052, H.R. 5205, and H.R. 5294) is provided in this continuing resolution (Public Law 99-591), a separate table VIII for each bill is included elsewhere in this volume.

[2] Estimated "current rate" amounts.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 99TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 99th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS						
Agriculture, rural development, and related agencies [1]	$45,796,417,000	$5,625,000		$45,802,042,000	[1] $45,727,595,000	−$74,447,000
Agricultural programs	22,057,638,000			22,057,638,000	22,286,452,000	+228,814,000
Rural development programs	6,759,916,000			6,759,916,000	6,105,777,000	−654,139,000
Domestic food programs	15,285,512,000			15,285,512,000	15,675,581,000	+390,069,000
International programs	1,239,333,000			1,239,333,000	1,171,715,000	−67,618,000
Related agencies	454,018,000	5,625,000		459,643,000	468,070,000	+8,427,000
General provisions					20,000,000	+20,000,000
Departments of Commerce, Justice, and State, and the Judiciary, and related agencies *(net)* [2]	15,942,337,000	1,018,879,000	$982,601,000	15,978,615,000	[2] 12,372,985,000	−3,605,630,000
Department of Commerce	1,741,327,000			1,741,327,000	2,108,836,000	+367,509,000
Rescissions					−9,676,000	−9,676,000
Department of Justice	4,172,705,000	32,000,000		4,204,705,000	4,133,590,000	−71,115,000
Department of State	3,920,195,000			3,920,195,000	2,585,697,000	−1,334,498,000
The Judiciary	1,227,784,000	982,000,000	982,601,000	1,227,183,000	1,155,092,000	−72,091,000
Related agencies	4,880,326,000	4,879,000		4,885,205,000	2,376,246,000	−2,508,959,000
James Madison Memorial Fellowship					23,200,000	+23,200,000
Department of Defense *(net)* [3]	299,032,138,000			299,032,138,000	[3] 268,675,129,000	−30,357,009,000
Military personnel	74,202,900,000			74,202,900,000	72,737,378,000	−1,465,522,000
Operation and maintenance	85,773,000,000			85,773,000,000	78,050,372,000	−7,722,628,000
Procurement	95,656,700,000			95,656,700,000	84,875,622,000	−10,781,068,000
Research, development, test, and evaluation	41,929,900,000			41,929,900,000	35,804,214,000	−6,125,686,000
Special foreign currency program	3,500,000			3,500,000	3,500,000	

See footnotes at end of table, p. 3168.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 99th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 99th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 99th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS—Continued						
Department of Defense—Continued:						
Revolving and management funds	$1,197,300,000			$1,197,300,000	$650,672,000	−$546,628,000
Chemical agents and munitions destruction, defense	120,100,000			120,100,000	118,700,000	−1,400,000
Related agencies	148,738,000			148,738,000	197,538,000	+48,800,000
General provisions					1,561,000,000	+1,561,000,000
Rescissions					−5,323,877,000	−5,323,877,000
District of Columbia [4]	560,380,000			560,380,000	[4] 580,380,000	+20,000,000
Federal funds to the District of Columbia	560,380,000			560,380,000	580,380,000	+20,000,000
(District of Columbia funds, fiscal year 1987)	*(2,989,598,000)*			*(2,989,598,000)*	*(3,060,407,000)*	*(+70,809,000)*
(District of Columbia funds, fiscal year 1986 supplemental) (net)		*($195,583,000)*	*($35,456,000)*	*(160,127,000)*	*(155,127,000)*	*(−5,000,000)*
Energy and water development [5]	15,904,104,000	24,939,000	58,900,000	15,870,143,000	[5] 15,007,277,000	−862,866,000
Department of Defense—Civil	3,069,500,000			3,069,500,000	3,126,080,000	+56,580,000
Department of the Interior	851,200,000			851,200,000	867,647,000	+16,447,000
Department of Energy	11,519,562,000	22,439,000	58,900,000	11,483,101,000	10,404,917,000	−1,078,184,000
Independent agencies	463,842,000	2,500,000		466,342,000	608,633,000	+142,291,000
Foreign assistance and related programs [6]	15,474,534,125	74,500,000	50,000,000	15,499,034,125	[6] 13,372,245,711	−2,126,788,414
Multilateral Economic Assistance	1,578,002,125	24,500,000		1,602,502,125	1,186,591,927	−415,910,198
Bilateral Economic Assistance	6,852,252,000			6,852,252,000	6,269,212,500	−583,039,500
Military Assistance	6,726,280,000	50,000,000	50,000,000	6,726,280,000	4,996,441,284	−1,729,838,716
Export Assistance	318,000,000			318,000,000	920,000,000	+602,000,000
Department of Housing and Urban Development—Independent agencies *(net)* [7]	43,502,733,000	3,335,132,000	31,456,000	46,806,409,000	[7] 53,577,802,700	+6,771,393,700
Department of Housing and Urban Development	3,674,418,000	3,029,164,000		6,703,582,000	13,314,140,300	+6,610,558,300
Rescission of contract authority	*(−318,462,000)*			*(−318,462,000)*	−253,100,000	[8] −253,100,000
Independent agencies	39,828,315,000	305,968,000	31,456,000	40,192,827,000	41,116,762,400	+1,013,935,400
Rescissions					600,000,000	−600,000,000
Corporations	*(33,659,000)*			*(33,659,000)*	*(29,159,000)*	*(−4,500,000)*

Department of the Interior and related agencies *(net)*[9]	6,616,975,000			6,616,975,000	[9] 8,308,405,000	+1,691,430,000
Department of the Interior	3,632,714,000			3,632,714,000	4,129,002,000	+496,288,000
Rescission					−3,200,000	−3,200,000
Related agencies	2,984,261,000			2,984,261,000	4,182,603,000	+1,198,342,000
Departments of Labor, Health and Human Services, and Education, and related agencies[10]	105,784,874,000	115,336,000	1,140,151,000	104,760,059,000	[10] 113,947,638,000	+9,187,579,000
Department of Labor	5,897,429,000	115,336,000	1,140,151,000	4,872,614,000	5,665,002,000	+792,388,000
Department of Health and Human Services	82,871,128,000			82,871,128,000	88,060,041,000	+5,188,913,000
Department of Education	16,265,881,000			16,265,881,000	19,235,641,000	+2,969,760,000
Related agencies	750,436,000			750,436,000	986,954,000	+236,518,000
Legislative branch[11]	1,803,060,800	19,230,100		1,822,290,900	[11] 1,637,290,214	−185,000,686
Congressional Operations	1,189,757,800	19,230,100		1,208,987,900	1,106,889,214	−102,098,686
Other Agencies	613,303,000			613,303,000	530,401,000	−82,902,000
Military construction *(net)*[12]	10,137,200,000	383,000,000		10,520,200,000	[12] 8,590,774,000	−1,929,426,000
Military construction and family housing	10,137,200,000	383,000,000		10,520,200,000	8,677,674,000	−1,842,526,000
Rescissions					−86,900,000	−86,900,000
Department of Transportation and related agencies *(net)*[13]	7,014,514,569			7,014,514,569	[13] 10,253,373,069	+3,238,858,500
Department of Transportation	6,453,896,000			6,453,896,000	9,699,404,500	+3,245,508,500
Rescission					−5,000,000	−5,000,000
Related agencies	560,618,569			560,618,569	558,968,569	−1,650,000
Treasury, Postal Service, and general government[14]	12,864,595,000	10,150,000	4,287,000	12,870,458,000	[14] 13,642,799,800	+772,341,800
Department of the Treasury	5,958,626,000	10,150,000	4,287,000	5,964,489,000	6,217,905,000	+253,416,000
United States Postal Service	40,049,000			40,049,000	650,000,000	+609,951,000
Executive Office of the President	100,899,000			100,899,000	96,301,000	−4,598,000
Independent agencies	6,765,021,000			6,765,021,000	6,678,593,800	−86,427,200
Net total, regular annual appropriation acts[15]	580,433,862,494	4,986,791,100	2,267,395,000	583,153,258,594	[15] 565,693,694,494	−17,459,564,100
SUPPLEMENTAL APPROPRIATION ACTS						
Urgent Supplemental, Department of Agriculture, 1986 (P.L. 99-243)					1,492,857,000	+1,492,857,000
Second Urgent Supplemental, Department of Agriculture, 1986 (P.L. 99-263)					5,000,000,000	+5,000,000,000
Urgent Supplemental Appropriations Act, 1986 (P.L. 99-349)		7,750,584,000	3,000,000	7,747,584,000	8,752,044,000	+1,004,460,000
Rescissions			*(1,585,714,000)*	*(−1,585,714,000)*	−12,995,924,000	[8] −12,995,924,000
Net total, supplemental appropriation acts		7,750,584,000	3,000,000	7,747,584,000	2,248,977,000	−5,498,607,000

See footnotes at end of table, p. 3168.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 99th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
CONTINUING APPROPRIATIONS						
Fourth Further Continuing Appropriations, 1987 (P.L. 99-591)	$373,998,000	$32,000,000		$405,998,000	$4,555,561,000	+$4,149,563,000
Agriculture, Rural Development and Related Agencies, 1987 [16]	*(45,796,417,000)*	*(5,625,000)*		*(45,802,042,000)*	[16] *(45,727,595,000)*	*(−74,447,000)*
Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1987 *(net)* [16]	*(15,942,337,000)*	*(1,018,879,000)*	*($982,601,000)*	*(15,978,615,000)*	[16] *(12,372,985,000)*	*(−3,605,630,000)*
Department of Defense, 1987 *(net)* [16]	*(299,032,138,000)*			*(299,032,138,000)*	[16] *(268,675,129,000)*	*(−30,357,009,000)*
District of Columbia, 1987 [16]	*(560,380,000)*			*(560,380,000)*	[16] *(580,380,000)*	*(+20,000,000)*
Energy and Water Development, 1987 [16]	*(15,904,104,000)*	*(24,939,000)*	*(58,900,000)*	*(15,870,143,000)*	[16] *(15,007,277,000)*	*(−862,866,000)*
Foreign assistance and related programs, 1987 [16]	*(15,474,534,125)*	*(74,500,000)*	*(50,000,000)*	*(15,499,034,125)*	[16] *(13,372,245,711)*	*(−2,126,788,414)*
Department of Housing and Urban Development—Independent agencies, 1987 *(net)* [16]	*(43,184,371,000)*	*(3,335,132,000)*	*(31,456,000)*	*(46,488,047,000)*	[16] *(53,577,802,700)*	*(+7,089,755,700)*
National Aeronautics and Space Administration					2,434,000,000	+2,434,000,000
Department of the Interior and related agencies, 1987 *(net)* [16]	*(6,616,975,000)*			*(6,616,975,000)*	[16] *(8,308,405,000)*	*(+1,691,430,000)*
Departments of Labor, Health and Human Services, and Education, and related agencies, 1987 [16]	*(105,784,874,000)*	*(115,336,000)*	*(1,140,151,000)*	*(104,760,059,000)*	[16] *(113,947,638,000)*	*(+9,187,579,000)*
Legislative Branch, 1987 [16]	*(1,803,060,800)*	*(19,230,100)*		*(1,822,290,900)*	[16] *(1,637,290,214)*	*(−185,000,686)*
Military construction, 1987 *(net)* [16]	*(10,137,200,000)*	*(383,000,000)*		*(10,520,200,000)*	[16] *(8,590,774,000)*	*(−1,929,426,000)*
Department of Transportation and related agencies, 1987 *(net)* [16]	*(7,014,514,569)*			*(7,014,514,569)*	[16] *(10,253,373,069)*	*(+3,238,858,500)*
Treasury, Postal Service, and General Government, 1987 [16]	*(12,864,595,000)*	*(10,150,000)*	*(4,287,000)*	*(12,870,458,000)*	[16] *(13,642,799,800)*	*(+772,341,800)*
Department of Health and Human Services	373,998,000			373,998,000	361,633,000	−12,365,000
Department of Education					7,177,000	+7,177,000
Department of Commerce					9,500,000	+9,500,000
Omnibus Drug Supplemental:						
Department of Justice		32,000,000		32,000,000	539,500,000	+507,500,000
The Judiciary					37,500,000	+37,500,000
United States Information Agency					2,000,000	+2,000,000
Foreign Assistance					56,000,000	+56,000,000
Department of the Interior					23,500,000	+23,500,000
Department of Health and Human Services					21,700,000	+21,700,000

Department of Labor					3,000,000	+3,000,000
Department of Health and Human Services					262,000,000	+262,000,000
Department of Education					200,000,000	+200,000,000
ACTION					3,000,000	+3,000,000
Department of Transportation					128,000,000	+128,000,000
Department of the Treasury					160,051,000	+160,051,000
Executive Office of the President					5,000,000	+5,000,000
Department of Defense					300,000,000	+300,000,000
Aviation Safety Commission					2,000,000	+2,000,000
Total, continuing appropriations	373,998,000	32,000,000		405,998,000	4,555,561,000	+4,149,563,000
Estimates not considered (see Table VIIIg)	7,000,000	680,767,000	663,524,000	24,243,000		−24,243,000
Net total, new budget *(obligational)* authority, regular annual, supplemental and continuing appropriation acts	580,814,860,494	13,450,142,000	2,933,919,000	591,331,083,594	572,498,232,494	−18,832,851,100
APPROPRIATIONS IN OTHER ACTS						
Legislative acts:						
Federal funds:						
Permanent appropriations:						
An Act to Approve the Compact of Free Association between the United States and Palau (P.L. 99-658):						
Compact of Free Association					170,000,000	+170,000,000
Emergency Wetlands Resources Act of 1986 (P.L. 99-645):						
Migratory bird conservation account	2,000,000			2,000,000	33,000,000	+31,000,000
White Earth Reservation Land Settlement Act of 1985 (P.L. 99-264):						
White earth settlement fund					10,000,000	+10,000,000
Children's Justice and Assitance Act of 1986 (P.L. 99-401):						
Crime victims fund					10,000,000	+10,000,000
Tax Reform Act of 1986 (P.L. 99-514):						
Refunding internal revenue collections, interest					−22,000,000	−22,000,000
Payment where earned income credit exceeds liability for tax					83,000,000	+83,000,000
An Act to Enhance Fish and Wildlife Conservation on Military Lands (P.L. 99-561):						
Forest products program					1,000,000	+1,000,000
Federal Employees' Retirement System Act of 1986 (P.L. 99-335):						
Payment to civil service retirement and disability fund	−60,000,000			−60,000,000	−470,000,000	−410,000,000

See footnotes at end of table, p. 3168.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 99th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
APPROPRIATIONS IN OTHER ACTS—Continued						
Legislative acts—Continued:						
Federal funds—Continued:						
Permanent appropriations—Continued:						
Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509):						
Energy conservation	$39,000,000			$39,000,000	$200,000,000	+$161,000,000
Federal Technology Transfer Act of 1986 (P.L. 99-502):						
Payment of royalties—Federal Technology Transfer Act					2,000,000	+2,000,000
Subtotal, Federal funds: Permanent appropriations	−19,000,000			−19,000,000	17,000,000	+36,000,000
Borrowing authority:						
Food Security Improvements Act of 1986 (P.L. 99-260):						
Commodity Credit Corporation	−140,000,000			−140,000,000	−115,000,000	+25,000,000
Food Security Act Amendments (P.L. 99-253):						
Commodity Credit Corporation Fund					50,000,000	+50,000,000
Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272):						
Commodity Credit Corporation Fund					−70,000,000	−70,000,000
Small business investment companies debentures—FFB direct loans					−248,000,000	−248,000,000
Sec. 503 guaranteed loans—FFB direct loans	−300,000,000			−300,000,000	−192,000,000	+108,000,000
Low-rent public housing—loans and other expenses	356,000,000			356,000,000	241,000,000	−115,000,000
Community development grants, FFB direct loans	−77,000,000			−77,000,000	−58,000,000	+19,000,000
Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509):						
Rural housing insurance fund, FFB loan asset purchases					809,000,000	+809,000,000

Rural development insurance fund, FFB loan asset purchases					830,000,000	+830,000,000
Federal ship financing fund					−12,000,000	−12,000,000
Federal Employees' Retirement System Act of 1986 (P.L. 99-335):						
Postal Service	777,000,000			777,000,000	390,000,000	−387,000,000
Subtotal, Federal funds: Borrowing authority	616,000,000			616,000,000	1,625,000,000	+1,009,000,000
Total, Federal funds	597,000,000			597,000,000	1,642,000,000	+1,045,000,000
Trust funds:						
Permanent appropriations:						
Judical Improvements Act of 1985 (P.L. 99-336):						
Judicial survivors' annuities fund					2,000,000	+2,000,000
Coast Guard Authorization Act of 1986 (P.L. 99-640):						
Sport fish restoration					15,000,000	+15,000,000
Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272):						
Federal supplementary medical insurance trust fund	−562,000,000			−562,000,000	−565,000,000	−3,000,000
Federal hospital insurance trust fund	124,000,000			124,000,000	246,000,000	+122,000,000
Railroad industry pension fund	155,000,000			155,000,000	101,000,000	−54,000,000
Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509):						
Federal supplementary medical insurance trust fund					−91,000,000	−91,000,000
Federal hospital insurance trust fund					347,000,000	+347,000,000
Federal old-age and survivors insurance trust fund	289,000,000			289,000,000	223,000,006	−66,000,000
Federal disability insurance trust fund	28,000,000			28,000,000	−10,000,000	−38,000,000
Civil service retirement and disabiltiy trust fund					5,000,000	+5,000,000
Railraod social security equivalent benefit account					−2,000,000	−2,000,000
Federal Employees' Retirement System Act of 1986 (P.L. 99-335):						
Federal old-age and survivors insurance trust fund					390,000,000	+390,000,000
Civil sevice retirement and disability fund	2,162,000,000			2,162,000,000	1,130,000,000	−1,032,000,000
Military Retirement Reform Act of 1986 (P.L. 99-348):						
Military retirement fund					−193,000,000	−193,000,000

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 99th Cong. 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
APPROPRIATIONS IN OTHER ACTS—Continued						
Legislative acts—Continued:						
Trust funds—Continued:						
Permanent appropriations—Continued:						
Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (P.L. 99-576):						
Military retirement fund					$7,000,000	+$7,000,000
Subtotal, trust funds: Permanent appropriations	$2,196,000,000			$2,196,000,000	1,605,000,000	−591,000,000
Contract authority:						
Anti-Drug Abuse Act of 1986 (P.L. 99-570):						
Motor carrier safety grants					34,000,000	+34,000,000
Coast Guard Authorization Act of 1986 (P.L. 99-640): Boat safety	15,000,000			15,000,000	15,000,000	
Subtotal, trust funds: Contract authority	15,000,000			15,000,000	49,000,000	+34,000,000
Total, trust funds	2,211,000,000			2,211,000,000	1,654,000,000	−557,000,000
Total, Appropriations in Legislative Acts [17]	2,808,000,000			2,808,000,000	[17] 3,296,000,000	+488,000,000
Private appropriation acts (see p. 3015)					88,525	+88,525
Total, appropriations in other acts	2,808,000,000			2,808,000,000	3,296,088,525	+488,088,525
Net total, regular annual, supplemental, continuing and other acts	583,622,860,494	$13,450,142,100	$2,933,919,000	594,139,083,594	575,794,321,019	−18,344,762,575
New budget *(obligational)* authority	(583,622,860,494)	(13,450,142,100)	(2,933,919,000)	(594,139,083,594)	(595,071,998,019)	(+932,914,425)
Rescissions of unobligated balances	*(−318,362,000)*		*(1,585,714,000)*	*(−1,904,076,000)*	(−19,277,677,000)	[8] (−19,277,677,000)
PERMANENT APPROPRIATIONS [18]						
Federal funds:						
Department of Agriculture:						
Food and Nutrition Service	3,227,923,000			3,227,923,000	3,227,923,000	

Department of Defense:						
Military Retirement	11,200,000,000			11,200,000,000	11,200,000,000	
Department of Health and Human Services:						
Health Care Financing Administration	6,922,000,000			6,922,000,000	6,922,000,000	
Social Security Administration	10,836,204,000			10,836,204,000	10,836,204,000	
Department of the Treasury:						
Interest on the public debt	202,764,380,000			202,764,380,000	202,764,380,000	
Internal Revenue Service	2,946,000,000			2,946,000,000	2,946,000,000	
Independent Agencies:						
Office of Personnel Management	11,859,650,000			11,859,650,000	11,859,650,000	
Postal Service	2,697,709,000			2,697,709,000	2,697,709,000	
Railroad Retirement Board	2,639,000,000			2,639,000,000	2,639,000,000	
All other	9,576,163,000			9,576,163,000	9,576,163,000	
Total, Federal funds	264,669,029,000			264,669,029,000	264,669,029,000	
Trust funds:						
Funds Appropriated to the President:						
Foreign assistance	12,615,635,000			12,615,635,000	12,615,635,000	
Department of Defense—Civil:						
Military Retirement	33,702,100,000			33,702,100,000	33,702,100,000	
Department of Health and Human Services:						
Health Care Financing Administration	89,997,000,000			89,997,000,000	89,997,000,000	
Social Security Administration	228,213,997,000			228,213,997,000	228,213,997,000	
Department of Labor:						
Employment and Training Administration	25,300,010,000			25,300,010,000	25,300,010,000	
Department of Transportation:						
Federal Highway Administration	4,104,981,000			4,104,981,000	4,104,981,000	
Veterans Administration	1,718,220,000			1,718,220,000	1,718,220,000	
Independent agencies:						
Office of Personnel Management	43,256,795,000			43,256,795,000	43,256,795,000	
Railroad Retirement Board	9,739,000,000			9,739,000,000	9,739,000,000	
All other	3,617,250,000			3,617,250,000	3,617,250,000	
Total, trust funds	452,264,988,000			452,264,988,000	452,264,988,000	
Total, permanent appropriations, Federal and trust funds	716,934,017,000			716,934,017,000	716,934,017,000	
Net total, regular annual, supplemental, continuing and other acts and permanent appropriations	1,300,556,877,494	13,450,142,100	2,933,919,000	1,311,073,100,594	1,292,728,338,019	−18,344,762,575
Adjustments for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes," p. IV)	−194,691,075,000			−194,691,075,000	−194,691,075,000	
Net total for session	1,105,865,802,494	13,450,142,100	2,933,919,000	1,116,382,025,594	1,098,037,263,019	−18,344,762,575

See footnotes on next page.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 99TH CONGRESS, 2D SESSION—Continued

[1] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(a) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 47, this volume).

[2] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(b) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 49, this volume).

[3] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 51, this volume).

[4] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(d) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 53, this volume).

[5] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 55, this volume).

[6] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(f) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 57, this volume).

[7] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(g) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 59, this volume).

[8] Reflects actual rescission rather than comparison with request.

[9] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 91, this volume).

[10] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 93, this volume).

[11] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(j) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 127, this volume).

[12] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(k) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 143, this volume).

[13] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(l) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 145, this volume).

[14] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(m) of Public Law 99-591, approved October 30, 1986, Making Further Continuing Appropriations for fiscal year 1987. (See "Note" on p. 173, this volume).

[15] Funding for all thirteen of the regular annual appropriation bills, which were not passed by the Congress, is provided through Public Law 99-591, Fourth Further Continuing Appropriations, 1987.

[16] For informational purposes only. Amount included in net total for "regular annual appropriation acts" earlier in table.

[17] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975, be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[18] Basically, amounts shown are taken from the February 1986 budget document (H. Doc. 99-143) and are subject to change as better data becomes available.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1987, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for perament appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987		Total budget estimates, fiscal year 1987	New budget (obligational) authority appropriated, 99th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Agriculture:						
Regular annual appropriation act	[1] $46,629,393,000			[1] $46,629,393,000	$46,925,370,000	+$295,977,000
Legislative acts: Federal funds [2]	−140,000,000			−140,000,000	[2] 1,504,000,000	+1,644,000,000
Permanent appropriations:						
Federal funds	[3] 6,722,096,000			[3] 6,722,096,000	[3] 6,722,096,000	
(Authority to borrow)	*(2,507,002,000)*			*(2,507,002,000)*	*(2,507,002,000)*	
Trust funds	317,727,000			317,727,000	317,727,000	
Total, Department of Agriculture	53,529,216,000			53,529,216,000	55,469,193,000	+1,939,977,000
Department of Commerce:						
Regular annual appropriation act	1,741,327,000			1,741,327,000	2,108,836,000	+367,509,000
Rescissions					−9,676,000	−9,676,000
Continuing appropriations					9,500,000	+9,500,000
Legislative acts: Federal funds [2]					[2] 2,000,000	+2,000,000
Permanent appropriations:						
Federal funds	46,000,000			46,000,000	46,000,000	
Trust funds	36,839,000			36,839,000	36,839,000	
Total, Department of Commerce *(net)*	1,824,166,000			1,824,166,000	2,193,499,000	+369,333,000

See footnotes at end of table, p. 3176.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1987, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 99th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 99th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for perament appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987		Total budget estimates, fiscal year 1987	New budget (obligational) authority appropriated, 99th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Defense—Civil:						
Regular annual appropriation acts	$3,123,790,000			$3,123,790,000	$3,192,126,000	+$68,336,000
Permanent appropriations:						
Federal funds	11,211,355,000			11,211,355,000	11,211,355,000	
Trust funds	34,193,905,000			34,193,905,000	34,193,905,000	
Total, Department of Defense—Civil	48,529,050,000			48,529,050,000	48,597,386,000	+68,336,000
Department of Defense—Military:						
Regular annual appropriation acts [4]	309,020,600,000			309,020,600,000	282,044,142,000	−26,976,458,000
Rescissions					−5,410,777,000	−5,410,777,000
Continuing appropriations					300,000,000	+300,000,000
Estimates not considered (see Table VIIIg)		$15,000,000	$15,000,000			
Legislative acts: Trust funds [2]					[2] −186,000,000	−186,000,000
Permanent appropriations:						
Federal funds	8,000,000			8,000,000	8,000,000	
(Authority to borrow)	*(8,000,000)*			*(8,000,000)*	*(8,000,000)*	
Trust funds	63,700,000			63,700,000	63,700,000	
(Contract authority)	*(39,800,000)*			*(39,800,000)*	*(39,800,000)*	
Total, Department of Defense—Military *(net)*	309,092,300,000	15,000,000	15,000,000	309,092,300,000	276,819,065,000	−32,273,235,000
District of Columbia—Federal Funds:						
Regular annual appropriation act	560,380,000			560,380,000	560,380,000	
Appropriated during 99th Cong., 1st sess. for fiscal year 1987					20,000,000	+20,000,000
Estimates not considered (see Table VIIIg)			20,000,000	−20,000,000		+20,000,000
Total, District of Columbia—Federal Funds	560,380,000		20,000,000	540,380,000	580,380,000	+40,000,000
(District of Columbia—Payable from District revenue:) *(Regular annual appropriation act)*	*(2,829,471,000)*	*(195,583,000)*	*(35,456,000)*	*(2,989,598,000)*	*(3,060,407,000)*	*(+70,809,000)*
Department of Education:						
Regular annual appropriation act	16,341,610,000			16,341,610,000	19,299,677,000	+2,958,067,000
Continuing appropriations					207,177,000	+207,177,000

Estimates not considered (see Table VIIIg)		97,000,000		97,000,000		-97,000,000
Permanent appropriations:						
Federal funds	7,148,000			7,148,000	7,148,000	
Trust funds	10,000			10,000	10,000	
Total, Department of Education	16,348,768,000	97,000,000		16,445,768,000	19,514,012,000	+3,068,244,000
Department of Energy:						
Regular annual appropriation act	11,856,415,000	22,439,000	58,900,000	11,819,954,000	11,340,267,000	-479,687,000
Legislative acts: Federal funds[2]	39,000,000			39,000,000	[2] 200,000,000	+161,000,000
Permanent appropriations:						
Federal funds	280,133,000			280,133,000	280,133,000	
(Authority to borrow)	*(276,100,000)*			*(276,100,000)*	*(276,100,000)*	
Trust funds	86,450,000			86,450,000	86,450,000	
Total, Department of Energy	12,261,998,000	22,439,000	58,900,000	12,225,537,000	11,906,850,000	-318,687,000
Environmental Protection Agency:						
Regular annual appropriation act	4,226,466,000			4,226,466,000	4,755,092,000	+528,626,000
Rescissions					-600,000,000	-600,000,000
Permanent appropriations: Trust funds	15,000			15,000	15,000	
Total, Environmental Protection Agency *(net)*	4,226,481,000			4,226,481,000	4,155,107,000	-71,374,000
Foreign Assistance:						
Regular annual appropriation act	15,026,724,125	74,500,000	50,000,000	15,051,224,125	12,936,104,711	-2,115,119,414
Continuing appropriations					3,000,000	+3,000,000
Permanent appropriations:						
Federal funds	473,315,000			473,315,000	473,315,000	
(Authority to borrow)	*(473,315,000)*			*(473,315,000)*	*(473,315,000)*	
Trust funds	12,615,635,000			12,615,635,000	12,615,635,000	
(Contract authority)	*(12,600,000,000)*			*(12,600,000,000)*	*(12,600,000,000)*	
Total, Foreign Assistance	28,115,674,125	74,500,000	50,000,000	28,140,174,125	26,028,054,711	-2,112,119,414
General Government:						
Regular annual appropriation acts	6,645,276,569	7,379,000		6,652,655,569	6,734,778,969	+82,123,400
Continuing appropriations					12,000,000	+12,000,000
Appropriated during 98th Cong., 2d sess. for fiscal year 1987	[5] *(100,000,000)*			[5] *(100,000,000)*	[5] *(200,000,000)*	*(+100,000,000)*
Estimates not considered (see Table VIIIg)		5,000,000		5,000,000		-5,000,000
Legislative acts:						
Federal funds[2]	-300,000,000			-300,000,000	[2] -440,000,000	-140,000,000
Trust funds[2]	2,317,000,000			2,317,000,000	[2] 1,231,000,000	-1,086,000,000
Permanent appropriations:						
Federal funds	952,101,000			952,101,000	952,101,000	
(Authority to borrow)	*(743,401,000)*			*(743,401,000)*	*(743,401,000)*	
Trust funds	13,416,000			13,416,000	13,416,000	
Total, General Government	9,627,793,569	12,379,000		9,640,172,569	8,503,295,969	-1,136,876,600

See footnotes at end of table, p. 3176.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1987, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for perament appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987		Total budget estimates, fiscal year 1987	New budget (obligational) authority appropriated, 99th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
General Services Administration:						
Regular annual appropriation acts	$391,455,000			$391,455,000	$376,892,800	−$14,562,200
Permanent appropriations: Federal funds	8,868,000			8,868,000	8,868,000	
Total, General Services Administration	400,323,000			400,323,000	385,760,800	−14,562,200
Department of Health and Human Services:						
Regular annual appropriation acts	71,419,441,000	$5,625,000		71,425,066,000	76,809,399,000	+5,384,333,000
Continuing appropriations	373,998,000			373,998,000	645,333,000	+271,335,000
Appropriated during 99th Cong., 1st sess. for fiscal year 1987	[5] *(11,473,754,000)*			[5] *(11,473,754,000)*	[5] *(11,473,754,000)*	
Estimates not considered (see Table VIIIg)		358,613,000	$545,524,000	−186,911,000		+186,911,000
Legislative acts: Trust funds [2]	−121,000,000			−121,000,000	[2] 538,000,000	+659,000,000
Permanent appropriations:						
Federal funds	17,761,204,000			17,761,204,000	17,761,204,000	
Trust funds	218,219,121,000			318,219,121,000	318,219,121,000	
Total, Department of Health and Human Services	407,652,764,000	364,238,000	545,524,000	407,471,478,000	413,973,057,000	+6,501,579,000
Department of Housing and Urban Development:						
Regular annual appropriation act	3,674,418,000	3,029,164,000		6,703,582,000	13,314,140,300	+6,610,558,300
Rescission of contract authority	*(−318,362,000)*			*(−318,362,000)*	−253,100,000	[6] −253,100,000
Supplemental appropriation act *(rescission)*					−6,042,000,000	−6,042,000,000
Estimates not considered (see Table VIIIg)	7,000,000			7,000,000		−7,000,000
Legislative acts: Federal funds [2]	279,000,000			279,000,000	[2] 183,000,000	−96,000,000
Permanent appropriations:						
Federal funds	1,580,178,000			1,580,178,000	1,580,178,000	
(Authority to borrow)	*(1,572,746,000)*			*(1,572,746,000)*	*(1,572,746,000)*	
Trust funds	5,000			5,000	5,000	
Total, Department of Housing and Urban Development *(net)*	5,540,601,000	3,029,164,000		8,569,765,000	8,782,223,300	+212,458,300

Department of the Interior:						
Regular annual appropriation act	4,483,914,000			4,483,914,000	4,996,649,000	+512,735,000
Rescissions					−3,200,000	−3,200,000
Continuing appropriations					23,500,000	+23,500,000
Legislative acts: Federal funds [2]	2,000,000			2,000,000	[2] 214,000,000	+212,000,000
Permanent appropriations:						
Federal funds	1,050,587,000			1,050,587,000	1,050,587,000	
(Authority to borrow)	*(1,300,000)*			*(1,300,000)*	*(1,300,000)*	
(Contract authority)	*(30,000,000)*			*(30,000,000)*	*(30,000,000)*	
Trust funds	671,728,000			671,728,000	671,728,000	
Total, Department of the Interior *(net)*	6,208,229,000			6,208,229,000	6,953,264,000	+745,035,000
The Judiciary:						
Regular annual appropriation act	1,221,284,000	982,000,000	982,601,000	1,220,683,000	1,149,292,000	−71,391,000
Continuing appropriations					37,500,000	+37,500,000
Legislative acts: Trust funds [2]					[2] 2,000,000	+2,000,000
Permanent appropriations: Trust funds	17,068,000			17,068,000	17,068,000	
Total, The Judiciary	1,238,352,000	982,000,000	982,601,000	1,237,751,000	1,205,860,000	−31,891,000
Department of Justice:						
Regular annual appropriation act	4,204,705,000			4,204,705,000	4,133,590,000	−71,115,000
Continuing appropriations		32,000,000		32,000,000	539,500,000	+507,500,000
Legislative acts: Federal funds [2]					[2] 10,000,000	+10,000,000
Permanent appropriations: Federal funds	100,000,000			100,000,000	100,000,000	
Total, Department of Justice	4,304,705,000	32,000,000		4,336,705,000	4,783,090,000	+446,385,000
Department of Labor:						
Regular annual appropriation act	5,897,429,000	115,336,000	1,140,151,000	4,872,614,000	5,665,002,000	+792,388,000
Continuing appropriations					3,000,000	+3,000,000
Permanent appropriations: Trust funds	25,387,010,000			25,387,010,000	25,387,010,000	
Total, Department of Labor	31,284,439,000	115,336,000	1,140,151,000	30,259,624,000	31,055,012,000	+795,388,000
Legislative Branch:						
Regular annual appropriation act	1,803,060,800	19,230,100		1,822,290,900	1,637,290,214	−185,000,686
Permanent appropriations:						
Federal funds	159,975,000			159,975,000	159,975,000	
Trust funds	8,754,000			8,754,000	8,754,000	
Total, Legislative Branch	1,971,789,800	19,230,100		1,991,019,900	1,806,019,214	−185,000,686
National Aeronautics and Space Administration:						
Regular annual appropriation act	7,694,400,000	303,000,000	31,000,000	7,966,400,000	8,000,000,000	+33,600,000
Continuing appropriations					2,434,000,000	+2,434,000,000
Supplemental appropriation act					100,000,000	+100,000,000
Total, National Aeronautics and Space Administration	7,694,400,000	303,000,000	31,000,000	7,966,400,000	10,534,000,000	+2,567,600,000

See footnotes at end of table, p. 3176.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1987, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for perament appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987		Total budget estimates, fiscal year 1987	New budget (obligational) authority appropriated, 99th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Office of Personnel Management:						
Regular annual appropriation act	$6,188,568,000			$6,188,568,000	$6,120,250,000	−$68,318,000
Legislative acts:						
Federal funds[2]	−60,000,000			−60,000,000	[2] −470,000,000	−410,000,000
Trust funds[2]					[2] 5,000,000	+5,000,000
Permanent appropriations:						
Federal funds	11,859,650,000			11,859,650,000	11,859,650,000	
Trust funds	43,256,795,000			43,256,795,000	43,256,795,000	
Total, Office of Personnel Management	61,245,013,000			61,245,013,000	60,771,695,000	−473,318,000
Postal Service:						
Regular annual appropriation act	40,049,000			40,049,000	650,000,000	+609,951,000
Legislative acts: Federal funds[2]	777,000,000			777,000,000	[2] 390,000,000	−387,000,000
Permanent appropriations:						
Federal funds	2,697,709,000			2,697,709,000	2,697,709,000	
(Authority to borrow)	*(2,697,709,000)*			*(2,697,709,000)*	*(2,697,709,000)*	
Total, Postal Service	3,514,758,000			3,514,758,000	3,737,709,000	+222,951,000
Railroad Retirement Board:						
Regular annual appropriation act	258,980,000			258,980,000	383,100,000	+124,120,000
Permanent appropriations:						
Federal funds	2,639,000,000			2,639,000,000	2,639,000,000	
Trust funds	9,739,000,000			9,739,000,000	9,739,000,000	
Total, Railroad Retirement Board	12,636,980,000			12,636,980,000	12,761,100,000	+124,120,000
Small Business Administration:[7]						
Regular annual appropriation act	2,803,621,000			2,803,621,000	481,742,000	−2,321,879,000
Permanent appropriations:						
Federal funds	315,000,000			315,000,000	315,000,000	
(Authority to borrow)	*(315,000,000)*			*(315,000,000)*	*(315,000,000)*	
Total, Small Business Administration	3,118,621,000			3,118,621,000	796,742,000	−2,321,879,000

Department of State:						
Regular annual appropriation act	4,368,005,000			4,368,005,000	3,021,838,000	−1,346,167,000
Continuing appropriations					53,000,000	+53,000,000
Permanent appropriations:						
Federal funds	198,445,000			198,445,000	198,445,000	
Trust funds	789,117,000			789,117,000	789,117,000	
Total, Department of State	5,355,567,000			5,355,567,000	4,062,400,000	−1,293,167,000
Department of Transportation:						
Regular annual appropriation acts	6,512,739,000			6,512,739,000	9,766,904,500	+3,254,165,500
Rescissions					−5,000,000	−5,000,000
Continuing appropriations					128,000,000	+128,000,000
Legislative acts:						
Federal funds [2]					[2] −12,000,000	−12,000,000
Trust funds [2]	15,000,000			15,000,000	[2] 64,000,000	+49,000,000
Permanent appropriations:						
Federal funds	330,800,000			330,800,000	330,800,000	
(Authority to borrow)	*(3,800,000)*			*(3,800,000)*	*(3,800,000)*	
(Contract authority)	*(320,000,000)*			*(320,000,000)*	*(320,000,000)*	
Trust funds	5,122,661,000			5,122,661,000	5,122,661,000	
(Contract authority)	*(5,117,200,000)*			*(5,117,200,000)*	*(5,117,200,000)*	
Total, Department of Transportation *(net)*	11,981,200,000			11,981,200,000	15,395,365,500	+3,414,165,500
Department of the Treasury:						
Regular annual appropriation acts	5,964,186,000	$10,150,000	$4,287,000	5,970,049,000	6,223,465,000	+253,416,000
Continuing appropriations					160,051,000	+160,051,000
Legislative acts: Federal funds [2]					[2] 61,000,000	+61,000,000
Private appropriation acts					88,525	+88,525
Permanent appropriations:						
Federal funds	206,267,465,000			206,267,465,000	206,267,465,000	
Trust funds	7,812,000			7,812,000	7,812,000	
Total, Department of the Treasury	212,239,463,000	10,150,000	4,287,000	212,245,326,000	212,719,881,525	+474,555,525
Veterans Administration:						
Regular annual appropriation act	25,639,561,000	2,968,000	456,000	25,642,073,000	26,044,854,000	+402,781,000
Permanent appropriations: Trust funds	1,718,220,000			1,718,220,000	1,718,220,000	
Total, Veterans Administration	27,357,781,000	2,968,000	456,000	27,360,293,000	27,763,074,000	+402,781,000
Grand total, new budget *(obligational)* authority *(net)*	1,287,860,812,494	5,079,404,100	2,847,919,000	1,290,092,297,594	1,271,253,096,019	−18,839,201,575

See footnotes at end of table, p. 3176.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1987, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for perament appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987		Total budget estimates, fiscal year 1987	New budget (obligational) authority appropriated, 99th Cong. 2d sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Consisting of—						
Regular annual appropriation acts	$567,737,797,494	$4,571,791,100	$2,267,395,000	$570,042,193,594	$558,671,182,494	−$11,371,011,100
Rescissions	*(−318,362,000)*			*(−318,362,000)*	−6,281,753,000	[6] −6,281,753,000
Continuing appropriations	373,998,000	32,000,000		405,998,000	4,555,561,000	+4,149,563,000
Supplemental appropriation act					100,000,000	+100,000,000
Rescission					−6,042,000,000	−6,042,000,000
Estimates not considered (see Table VIIIg)	7,000,000	475,613,000	580,524,000	−97,911,000		+97,911,000
Appropriated during prior Congressional sessions for fiscal year 1987					20,000,000	+20,000,000
Appropriated during prior Congressional sessions for fiscal year 1987	[5] *(11,573,754,000)*			[5] *(11,573,754,000)*	[5] *(11,673,754,000)*	*(+100,000,000)*
Appropriations in legislative acts:						
Federal funds [2]	597,000,000			597,000,000	[2] 1,642,000,000	+1,045,000,000
Trust funds [2]	2,211,000,600			2,211,000,000	[2] 1,654,000,000	−557,000,000
Private appropriation acts					88,525	+88,525
Permanent appropriations:						
Federal funds	264,669,029,000			264,669,029,000	[8] 264,669,029,000	
(Authority to borrow)	*(8,598,373,000)*			*(8,598,373,000)*	*(8,598,373,000)*	
(Contract authority)	*(350,000,000)*			*(350,000,000)*	*(350,000,000)*	
Trust funds	452,264,988,000			452,264,988,000	[8] 452,264,988,000	
(Contract authority)	*(17,757,000,000)*			*(17,757,000,000)*	*(17,757,000,000)*	
Subtotal *(net)*	1,287,860,812,494	5,079,404,100	2,847,919,000	1,290,092,297,594	1,271,253,096,019	−18,839,201,575
Less adjustments for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes", p. IV)	−194,691,075,000			−194,691,075,000	−194,691,075,000	
Net total for fiscal year 1987 to date	1,093,169,737,494	5,079,404,100	2,847,919,000	1,095,401,222,594	1,076,562,021,019	−18,839,201,575
Deduct estimates and appropriations made during prior Congressional sessions for fiscal year 1987					−20,000,000	−20,000,000
Net total for fiscal year 1987 (99th Congress, 2d session)	1,093,169,737,494	5,079,404,100	2,847,919,000	1,095,401,222,594	1,076,542,021,019	−18,859,201,575

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[1] Includes $15,536,817,000 for the Commodity Credit Corporation submitted in the President's budget (H. Doc. 99-144) as "Permanent Federal funds" (see footnote 3 below).

[2] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975, be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[3] Excludes $15,536,817,000 for the Commodity Credit Corporation submitted in the President's budget (H. Doc. 99-144) as "Permanent Federal funds" but reflected in this table as part of a "current definite" appropriation of $19,808,806,000 provided in P.L. 99-591 (see pp. 201 and 3094, this volume).

[4] Excludes $383,000,000 requested as an amendment for fiscal years 1988 and 1989 for Military Construction.

[5] Included under "Permanent appropriations, Federal funds".

[6] Reflects actual rescission rather than comparison with request.

[7] Shown under "General Government" in previous volumes.

[8] Subject to revision as better data becomes available.

VIIIc. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1986, ARRANGED BY AGENCIES, 99TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts, and private acts)

Department or establishment	Budget estimates, fiscal year 1986	New budget (obligational) authority appropriated, fiscal year 1986	Increase (+) or decrease (–), appropriations compared with estimates
Department of Agriculture	$5,471,700,000	$12,052,271,000	+$6,580,571,000
Department of Commerce	....	10,822,000	+10,822,000
Department of Defense—Civil	....	25,000,000	+25,000,000
Department of Defense—Military *(net)*	....	-114,500,000	-114,500,000
New budget *(obligational)* authority	....	(108,000,000)	(+108,000,000)
Rescissions	*(-114,500,000)*	(-222,500,000)	[1](-222,500,000)
District of Columbia:			
(Payable from District revenues—net)	*(160,127,000)*	*(155,127,000)*	*(-5,000,000)*
(New budget (obligational) authority)	*(195,583,000)*	*(190,583,000)*	*(-5,000,000)*
(Rescissions)	*(-35,456,000)*	*(-35,456,000)*	....
Department of Education	....	166,000,000	+166,000,000
Foreign Assistance	235,000,000	150,000,000	-85,000,000
General Government	324,266,000	288,653,000	-35,613,000
New budget *(obligational)* authority	(316,498,000)	(288,653,000)	(-27,845,000)
Estimates not considered	(7,768,000)	....	(-7,768,000)
Department of Health and Human Services	100,228,000	23,000,000	-77,228,000
New budget *(obligational)* authority	....	(23,000,000)	(+23,000,000)
Estimates not considered	(100,228,000)	....	(-100,228,000)
Department of Housing and Urban Development *(rescissions)*	*(-1,442,504,000)*	-6,692,504,000	[1] -6,692,504,000
Department of the Interior *(net)*	219,520,000	234,917,000	+15,397,000
New budget *(obligational)* authority	(219,520,000)	(263,837,000)	(+44,317,000)
Rescissions	*(-28,710,000)*	(-28,920,000)	[1](-28,920,000)
The Judiciary	13,646,000	6,346,000	-7,300,000
New budget *(obligational)* authority	(7,046,000)	(6,346,000)	(-700,000)
Estimates not considered	(6,600,000)	....	(-6,600,000)
Department of Justice *(net)*	10,620,000	26,600,000	+15,980,000
New budget *(obligational)* authority	(10,620,000)	(36,600,000)	(+25,980,000)
Rescissions	....	(-10,000,000)	(-10,000,000)
Legislative Branch	96,137,000	25,962,000	-70,175,000
New budget *(obligational)* authority	(79,579,000)	(25,962,000)	(-53,617,000)
Estimates not considered	(16,558,000)	....	(-16,558,000)
National Aeronautics and Space Administration	....	431,000,000	+431,000,000
Office of Personnel Management	....	250,000	+250,000
Department of State	688,866,000	704,104,000	+15,238,000
New budget *(obligational)* authority	(697,866,000)	(704,104,000)	(+6,238,000)
Estimates not considered	(-9,000,000)	....	(+9,000,000)
Department of Transportation	6,755,000	115,500,000	+108,745,000
Department of the Treasury	340,000,000	374,556,000	+34,556,000
Veterans Administration	363,000,000	363,000,000	....
Grand total *(net)*	7,869,738,000	8,190,977,000	+321,239,000
Consisting of—			
Supplemental appropriation acts *(net)*	7,747,584,000	8,190,977,000	+443,393,000
New budget *(obligational)* authority	(7,747,584,000)	(15,144,901,000)	(+7,397,317,000)
Rescissions	*(-1,585,714,000)*	(-6,953,924,000)	[1](-6,953,924,000)
Private appropriation acts	....	....	....
Estimates not considered	122,154,000	....	-122,154,000
(District of Columbia funds—net)	*(160,127,000)*	*(155,127,000)*	*(-5,000,000)*

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[1] Reflects actual rescission rather than comparison with request.

VIIId. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1988, ARRANGED BY AGENCIES, 99TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual appropriation acts)

Department or establishment	Budget estimates, fiscal year 1988	New budget (obligational) authority appropriated, fiscal year 1988	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1987			
RELATED AGENCIES			
James Madison Memorial Trust Fund		$10,000,000	+$10,000,000
Constitutional Law Resource Centers		3,200,000	+3,200,000
Total		13,200,000	+13,200,000
DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1987			
FEDERAL FUNDS			
Criminal justice initiative		20,000,000	+20,000,000
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1987			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH CARE FINANCING ADMINISTRATION			
Grants to states for Medicaid	$7,100,000,000	7,100,000,000	
SOCIAL SECURITY ADMINISTRATION			
Special benefits for disabled coal miners	252,450,000	252,450,000	
Supplemental security income program	2,765,000,000	2,765,000,000	
Assistance payments program	2,293,615,000	2,293,615,000	
CHILD SUPPORT ENFORCEMENT			
Child Support Enforcement	187,000,000	187,000,000	
Total	12,598,065,000	12,598,065,000	
MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1987			
Military Construction, Army	221,000,000	221,000,000	
Total, fiscal year 1988	12,819,065,000	12,852,265,000	+33,200,000

VIIIe. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1989, ARRANGED BY AGENCIES, 99TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts)

Department or establishment	Budget estimates, fiscal year 1989	New budget (obligational) authority appropriated, fiscal year 1989	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1987			
RELATED AGENCIES			
James Madison Memorial Trust Fund	....	$10,000,000	+$10,000,000
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1987			
RELATED AGENCIES			
Corporation for Public Broadcasting	$130,000,000	228,000,000	+98,000,000
MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1987			
Military Construction, Army	162,000,000	214,000,000	+52,000,000
Total, fiscal year 1989	292,000,000	452,000,000	+160,000,000

VIIIf. RECAPITULATION OF COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, 99TH CONGRESS, 2D SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

	Amount
Net increase in budget estimates for fiscal 1986 (p. 3177)	+$321,239,000
Net reduction below budget estimates for fiscal 1987 (p. 3176)	−18,859,201,575
Net increase in budget estimates for fiscal 1988 (p. 3179)	+33,200,000
Net increase in budget estimates for fiscal 1989 (p. 3181)	+160,000,000
Total net reduction below budget estimates, 99th Cong., 2d sess.	−18,344,762,575

VIIIg. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates not considered
			Increases	Decreases	
DISTRICT OF COLUMBIA					
Federal payment to the District of Columbia, 1987	99-184			$20,000,000	-$20,000,000
DEPARTMENT OF DEFENSE					
Military construction, Air Force, 1987	99-267			15,000,000	-15,000,000
Military construction, Air Force Reserve, 1987	99-267		$15,000,000		15,000,000
Total, Department of Defense			15,000,000	15,000,000	
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Special programs, 1987	99-267		97,000,000		97,000,000
GENERAL GOVERNMENT					
Federal Mediation and Conciliation Service					
Salaries and expenses, 1986	99-144		268,000		268,000
ACTION					
Operating expenses, 1987	99-267		5,000,000		5,000,000
Board for International Broadcasting					
Grants and expenses, 1986	99-220		7,500,000		7,500,000
Total, General Government			12,768,000		12,768,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Office of Human Development Services					
Family social services, 1986	99-219		100,228,000	100,228,000	
Centers for Disease Control					
Disease control, research, and training, 1987	99-259			3,868,000	-3,868,000
Disease control, research, and training, 1987	99-267			1,953,000	-1,953,000
National Institutes of Health					
National Cancer Institute, 1987	99-259			15,119,000	-15,119,000
National Cancer Institute, 1987	99-267			15,223,000	-15,223,000
National Heart, Lung and Blood Institute, 1987	99-259			13,961,000	-13,961,000
National Heart, Lung and Blood Institute, 1987	99-267			16,898,000	-16,898,000
National Institute of Dental Research, 1987	99-259			1,555,000	-1,555,000
National Institute of Dental Research, 1987	99-267			2,160,000	-2,160,000
National Institute of Diabetes and Digestive and Kidney Diseases, 1987	99-259			8,373,000	-8,373,000
National Institute of Diabetes and Digestive and Kidney Diseases, 1987	99-267			6,646,000	-6,646,000
National Institute of Neurological and Communicative Disorders and Stroke, 1987	99-259			9,040,000	-9,040,000
National Institute of Neurological and Communicative Disorders and Stroke, 1987	99-267			8,695,000	-8,695,000
National Institute of Allergy and Infectious Diseases, 1987	99-259			6,636,000	-6,636,000
National Institute of Allergy and Infectious Diseases, 1987	99-267			2,827,000	-2,827,000
National Institute of General Medical Sciences, 1987	99-259			11,936,000	-11,936,000

VIIIg. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates not considered
			Increases	Decreases	
National Institute of General Medical Sciences, 1987	99-267			$3,308,000	−$3,308,000
National Institute of Child Health and Human Development, 1987	99-259			5,819,000	−5,819,000
National Institute of Child Health and Human Development, 1987	99-267			6,244,000	−6,244,000
National Eye Institute, 1987	99-259			4,046,000	−4,046,000
National Eye Institute, 1987	99-267			2,338,000	−2,338,000
National Institute of Environmental Health Sciences, 1987	99-259			1,455,000	−1,455,000
National Institute of Environmental Health Sciences, 1987	99-267			2,968,000	−2,968,000
National Institute on Aging, 1987	99-259			2,796,000	−2,796,000
National Institute on Aging, 1987	99-267			2,794,000	−2,794,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 1987	99-259			2,348,000	−2,348,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 1987	99-267			2,254,000	−2,254,000
Research resources, 1987	99-267			16,054,000	−16,054,000
John E. Fogarty International Center, 1987	99-267			200,000	−200,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION					
Alcohol, drug abuse, and mental health, 1987	99-259			5,068,000	−5,068,000
Alcohol, drug abuse, and mental health, 1987	99-267		$225,342,000		225,342,000
OFFICE OF ASSISTANT SECRETARY FOR HEALTH					
Priority disease control and research projects, 1987	99-259		133,271,000		133,271,000
SOCIAL SECURITY ADMINISTRATION					
Low income home energy assistance, 1987	99-259			227,900,000	−227,900,000
Low income home energy assistance, 1987	99-267			60,000,000	−60,000,000
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
Health resources and services, 1987	99-267			75,042,000	−75,042,000
Total, Department of Health and Human Services			458,841,000	545,524,000	−86,683,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Fair housing initiatives, 1987[1]	99-144	$7,000,000			7,000,000
THE JUDICIARY					
COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES					
Expenses of Operation and Maintenance of the Courts, 1986	99-220		1,600,000		1,600,000
Space and facilities, 1986	99-220		5,000,000		5,000,000
Total, The Judiciary			6,600,000		6,600,000
DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
Training and employment services, 1986	99-144		74,000,000		74,000,000
Training and employment services, 1986	99-232			74,000,000	−74,000,000
Total, Department of Labor			74,000,000	74,000,000	
LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Salaries, officers and employees, 1986	99-144		722,000		722,000
Members' clerk hire, 1986	99-144		2,000,000	2,000,000	
Contingent Expenses of the House, Allowances and expenses, 1986	99-144		13,787,000		13,787,000

See footnote at end of table, p. 3187.

VIIIg. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1987	Budget amendments and supplemental estimates, fiscal year 1987 and prior years		Total budget estimates not considered
			Increases	Decreases	
COPYRIGHT ROYALTY TRIBUNAL					
Salaries and expenses, 1986	99-144		$49,000		$49,000
Total, Legislative Branch			16,558,000		16,558,000
DEPARTMENT OF STATE					
ADMINISTRATION OF FOREIGN AFFAIRS					
Salaries and expenses, 1986	99-220			$9,000,000	–9,000,000
Grand total, estimates not considered		$7,000,000	680,767,000	663,524,000	24,243,000
Fiscal year 1986			(205,154,000)	(83,000,000)	(122,154,000)
Fiscal year 1987		(7,000,000[1])	(475,613,000)	(580,524,000)	(–97,911,000)

[1] Not considered due to lack of authorization.

VIIIh. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 2D SESSION OF THE 99TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
District of Columbia:			
Further Continuing Appropriations Act, 1987 (P.L. 99-591):			
District of Columbia Funds, fiscal year 1986 supplemental:			
Public Safety and Justice	*($12,735,000)*	*($12,735,000)*	
Human Support Services	*(1,982,000)*	*(1,982,000)*	
Human Support Services Revenue Sharing Trust Fund	[1] *(2,463,000)*	[1] *(2,463,000)*	
Repayment of loans and interest	*(16,316,000)*	*(16,316,000)*	
Personal Services	*(3,423,000)*	*(3,423,000)*	
Adjustments-Object Class 30A (Energy)	*(1,000,000)*	*(1,000,000)*	
Total, District of Columbia	*(35,456,000)*	*(35,456,000)*	
Department of Commerce:			
Further Continuing Appropriations Act, 1987 (P.L. 99-591):			
Regional Development Programs		1,576,000	+$1,576,000
International Trade Administration		8,100,000	+8,100,000
Total, Department of Commerce		9,676,000	+9,676,000
Department of Defense—Military:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Tenth International Pan American Games		8,000,000	+8,000,000
Procurement of weapons and tracked combat vehicles, Army	34,400,000	34,400,000	
Shipbuilding and conversion, Navy	40,100,000	40,100,000	
Other procurement, Air Force	40,000,000	40,000,000	
ADP equipment management fund		100,000,000	+100,000,000
Subtotal, fiscal year 1986	114,500,000	222,500,000	+108,000,000
Further Continuing Appropriations Act, 1987 (P.L. 99-591):			
Aircraft procurement, Army, 1985/1987		15,600,000	+15,600,000
Aircraft procurement, Army, 1986/1988		78,800,000	+78,800,000
Missile procurement, Army, 1985/1987		32,800,000	+32,800,000
Missile procurement, Army, 1986/1988		66,800,000	+66,800,000
Procurement of weapons and tracked combat vehicles, Army, 1985/1987		25,100,000	+25,100,000
Procurement of weapons and tracked combat vehicles, Army, 1986/1988		188,200,000	+188,200,000
Procurement of ammunition, Army, 1985/1987		33,000,000	+33,000,000
Procurement of ammunition, Army, 1986/1988		39,562,000	+39,562,000
Other procurement, Army, 1985/1987		45,400,000	+45,400,000
Other procurement, Army, 1986/1988		133,300,000	+133,300,000
Aircraft procurement, Navy, 1985/1987		170,700,000	+170,700,000
Aircraft procurement, Navy, 1986/1988		408,200,000	+408,200,000
Weapons procurement, Navy, 1985/1987		59,500,000	+59,500,000
Weapons procurement, Navy, 1986/1988		185,100,000	+185,100,000
Shipbuilding and conversion, Navy, 1983/1987		338,500,000	+338,500,000
Shipbuilding and conversion, Navy, 1984/1988		53,000,000	+53,000,000
Shipbuilding and conversion, Navy, 1985/1989		141,100,000	+141,100,000
Shipbuilding and conversion, Navy, 1986/1990		737,900,000	+737,900,000

See footnotes at end of table, p. 3191.

VIIIh. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 2D SESSION OF THE 99TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS—Continued

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
Department of Defense—Military—Continued:			
Further Continuing Appropriations Act, 1987 (P.L. 99-591)—Continued:			
Other procurement, Navy, 1985/1987		$18,434,000	+$18,434,000
Other procurement, Navy, 1986/1988		214,769,000	+214,769,000
Procurement, Marine Corps, 1985/1987		7,100,000	+7,100,000
Procurement, Marine Corps, 1986/1988		19,400,000	+19,400,000
Aircraft procurement, Air Force, 1985/1987		513,300,000	+513,300,000
Aircraft procurement, Air Force, 1986/1988		619,500,000	+619,500,000
Missile procurement, Air Force, 1985/1987		41,600,000	+41,600,000
Missile procurement, Air Force, 1986/1988		629,700,000	+629,700,000
Other procurement, Air Force, 1985/1987		68,611,000	+68,611,000
Other procurement, Air Force, 1986/1988		122,900,000	+122,900,000
Research, development, test and evaluation, Army, 1986/1987		45,523,000	+45,523,000
Research, development, test and evaluation, Navy, 1986/1987		54,878,000	+54,878,000
Research, development, test and evaluation, Air Force, 1986/1987		167,000,000	+167,000,000
Research, development, test and evaluation, Defense Agencies, 1986/1987		48,400,000	+48,400,000
Director of developmental test and evaluation, Defense, 1986/1987		200,000	+200,000
Military construction, Army		36,400,000	+36,400,000
Military construction, Navy		25,800,000	+25,800,000
Military construction, Air Force		24,700,000	+24,700,000
Subtotal, fiscal year 1987		5,410,777,000	+5,410,777,000
Total, Department of Defense	$114,500,000	5,633,277,000	+5,518,777,000
Environmental Protection Agency:			
Further Continuing Appropriations Act, 1987 (P.L. 99-591):			
Hazardous substance response trust fund		600,000,000	+600,000,000
Department of Housing and Urban Development:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Annual contributions for assisted housing *(contract authority, indefinite)*:			
Fiscal year 1986		5,250,000,000	+5,250,000,000
Fiscal year 1987		6,042,000,000	+6,042,000,000
Rent supplement *(contract authority, indefinite)*	1,158,920,000	1,158,920,000	
Rental housing assistance *(contract authority, indefinite)*	283,584,000	283,584,000	
Subtotal:			
Fiscal year 1986	1,442,504,000	6,692,504,000	+5,250,000,000
Fiscal year 1987		6,042,000,000	+6,042,000,000
Further Continuing Appropriations Act, 1987 (P.L. 99-591):			
Annual contributions for assisted housing:			
Assisted housing deobligations *(contract authority, indefinite)*	264,362,000	199,100,000	−65,262,000
Rental housing assistance *(contract authority, indefinite)*	54,000,000	54,000,000	
Subtotal, fiscal year 1987	318,362,000	253,100,000	−65,262,000
Total, Housing and Urban Development	1,760,866,000	12,987,604,000	+11,226,738,000

VIIIh. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 2D SESSION OF THE 99TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS—Continued

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
Department of the Interior:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
United States Fish and Wildlife Service, land and water conservation fund *(contract authority)*	$28,710,000	$28,710,000	
Office of Surface Mining Reclamation and Enforcement, regulation and technology		210,000	+210,000
Subtotal, fiscal year 1986	28,710,000	28,920,000	+$210,000
Further Continuing Appropriations Act, 1987 (P.L. 99-591):			
Bureau of Land Management		3,200,000	+3,200,000
Total, Department of the Interior	28,710,000	32,120,000	+3,410,000
Department of Justice:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Federal Bureau of Investigation		10,000,000	+10,000,000
Department of Transportation:			
Further Continuing Appropriations Act, 1987 (P.L. 99-591):			
National Highway Traffic Safety Administration, Highway traffic safety grants		5,000,000	+5,000,000
Grand total, rescissions of budget authority, (99th Congress, 2d session)	[2] 1,904,076,000	[2] 19,277,677,000	+17,373,601,000
Fiscal year 1986	(1,585,714,000)	(6,953,924,000)	(+5,368,210,000)
Fiscal year 1987	(318,362,000)	(12,323,753,000)	(+12,005,391,000)

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[1] Non-add item; reflects rescission of revenue sharing trust funds

[2] See pp. 557-565 and pp. 567-572 for status reports on rescissions and deferrals.

VIIIi. DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION

[NOTE.—For informational purposes only. The amounts are *not* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amounts proposed for deferral[1]	Amounts disapproved	Increase (+) or decrease (−), amounts disapproved compared with proposals
Department of Agriculture:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Farmers Home Administration, Self-help housing land development fund (D86-60)	$700,000,000	$700,000,000	
Forest Service, timber salvage sales (D86-3)	22,853,712	3,153,000	−$19,700,712
Total, Department of Agriculture	722,853,712	703,153,000	−19,700,712
Department of Commerce:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Economic development assistance programs (D86-36)	40,000,000	40,000,000	
Department of Energy:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Energy supply, research and development activities (D86-38)	65,763,000	23,156,000	−42,607,000
Fossil energy research and development (D86-6A)	64,812,000	18,140,000	−46,672,000
Energy conservation (D86-9A)	36,782,000	14,826,000	−21,956,000
Strategic petroleum reserve (D86-37)	197,940,825	41,182,000	−156,758,825
SPR petroleum account (D86-10A)	577,533,903	577,533,903	
Total, Department of Energy	942,831,728	674,837,903	−267,993,825
Department of Housing and Urban Development:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Housing programs and community planning and development:			
Annual contributions for assisted housing (D86-41)	7,032,442,637	2,300,805,000	−4,731,637,637
Housing for the elderly or handicapped fund (D86-45)	599,801,000	530,220,000	−69,581,000
Nonprofit sponsor assistance (D86-46)	1,000,000	457,000	−543,000
Community development grants (D86-48)	500,000,000	500,000,000	
Rehabilitation loan fund (D86-50)	135,534,949	131,133,000	−4,401,949
Total, Department of Housing and Urban Development	8,268,778,586	3,462,615,000	−4,806,163,586
Department of Health and Human Services:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Health Resources and Services Administraion, Indian health facilities		[2] *(11,665,000)*	*(+11,665,000)*
Department of the Interior:			
Supplemental Appropriations Act, 1986 (P.L. 99-349):			
Bureau of Land Management, land acquisition		[2] *(3,000,000)*	*(+3,000,000)*
Bureau of Indian Affairs, construction		[2] *(2,500,000)*	*(+2,500,000)*
Total, Department of the Interior		[2] *(5,500,000)*	*(+5,500,000)*

See footnotes at end of table, p. 3194.

VIIIi. DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[NOTE.—For informational purposes only. The amounts are *not* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amounts proposed for deferral [1]	Amounts disapproved	Increase (+) or decrease (−), amounts disapproved compared with proposals
Department of Transportation:			
Supplemental Appropriations Act, 1986 (P.L. 99-88):			
Maritime Administration, operations and training (D86-53)	$10,238,000	$1,738,000	−$8,500,000
Grand total, deferrals of budget authority (99th Congress, 2d session):			
Deferrals proposed and amounts disapproved	9,984,702,026	4,882,343,903	−5,102,358,123
Deferrals initiated and approved by Congress		*(17,165,000)*	*(+17,165,000)*

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[1] Amount proposed for deferral reflects original request for fiscal year 1986 deferrals proposed during the 2d session of the 99th Congress on which the Congress took legislative action. Adjustments proposed in subsequent documents or congressionally initiated deferral actions are not reflected. See pp. 557-565 and pp. 567-572 for status reports on rescissions and deferrals.

[2] Deferrals initiated and approved by Congress.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, **differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation** amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, **are** subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture:			
Appropriations, fiscal year 1987:			
Regular annual act [1]	$45,342,399,000	$45,259,525,000	−$82,874,000
Carried in other regular annual act	1,286,994,000	1,665,845,000	+378,851,000
Legislative acts: Federal funds [2]	−140,000,000	[2] 1,504,000,000	+1,644,000,000
Subtotal	46,489,393,000	48,429,370,000	+1,939,977,000
Permanent appropriations:			
Federal funds	[3] 6,722,096,000	[3] 6,722,096,000	
(Authority to borrow)	*(2,507,002,000)*	*(2,507,002,000)*	
Trust funds	317,727,000	317,727,000	
Total, permanent appropriations	7,039,823,000	7,039,823,000	
Total appropriations, fiscal year 1987	53,529,216,000	55,469,193,000	+1,939,977,000
Appropriations, fiscal year 1986:			
Supplemental act	5,471,700,000	12,052,271,000	+6,580,571,000
Grand total for session, Department of Agriculture	59,000,916,000	67,521,464,000	+8,520,548,000
Department of Commerce:			
Appropriations, fiscal year 1987:			
Regular annual act [4]	1,741,327,000	2,108,836,000	+367,509,000
Rescissions		−9,676,000	−9,676,000
Carried in continuing appropriations		9,500,000	+9,500,000
Legislative acts: Federal funds [2]		[2] 2,000,000	+2,000,000
Subtotal *(net)*	1,741,327,000	2,110,660,000	+369,333,000
Permanent appropriations:			
Federal funds	46,000,000	46,000,000	
Trust funds	36,839,000	36,839,000	
Total, permanent appropriations	82,839,000	82,839,000	
Total appropriations, fiscal year 1987 *(net)*	1,824,166,000	2,193,499,000	+369,333,000
Appropriations, fiscal year 1986:			
Supplemental act		10,822,000	+10,822,000
Grand total for session, Department of Commerce *(net)*	1,824,166,000	2,204,321,000	+380,155,000

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Civil:			
Appropriations, fiscal year 1987:			
Regular annual act [5]	$3,069,500,000	$3,126,080,000	+$56,580,000
Carried in other regular annual act	54,290,000	66,046,000	+11,756,000
Subtotal	3,123,790,000	3,192,126,000	+68,336,000
Permanent appropriations:			
Federal funds	11,211,355,000	11,211,355,000	
Trust funds	34,193,905,000	34,193,905,000	
Total, permanent appropriations	45,405,260,000	45,405,260,000	
Total appropriations, fiscal year 1987	48,529,050,000	48,597,386,000	+68,336,000
Appropriations, fiscal year 1986:			
Supplemental act		25,000,000	+25,000,000
Grand total for session, Department of Defense—Civil	48,529,050,000	48,622,386,000	+93,336,000
Department of Defense—Military:			
Military personnel:			
Appropriations, fiscal year 1987:			
Regular annual act [6]	74,202,900,000	72,737,378,000	−1,465,522,000
Operation and maintenance:			
Appropriations, fiscal year 1987:			
Regular annual act [6]	85,833,500,000	78,110,272,000	−7,723,228,000
Carried in continuing appropriations		27,615,000	+27,615,000
Subtotal	85,833,500,000	78,137,887,000	−7,695,613,000
Appropriations, fiscal year 1986:			
Supplemental act *(net)*			
New budget *(obligational)* authority		(8,000,000)	(+8,000,000)
Rescissions		(−8,000,000)	(−8,000,060)
Total, operation and maintenance *(net)*	85,833,500,000	78,137,887,900	−7,695,613,000
Procurement:			
Appropriations, fiscal year 1987:			
Regular annual act *(net)*[6]	95,706,500,000	79,916,956,000	−15,789,544,000
New budget *(obligational)* authority	(95,706,500,000)	(84,924,832,000)	(−10,781,668,000)
Rescissions		(−5,007,876,000)	(−5,007,876,000)
Carried in continuing appropriations		272,385,000	+272,385,000
Subtotal	95,706,500,000	80,189,341,000	−15,517,159,000
Appropriations, fiscal year 1986:			
Supplemental act *(rescissions)*	*(−114,500,000)*	−114,500,000	[7] −114,500,000
Total, procurement *(net)*	95,706,500,000	80,074,841,000	−15,631,659,000
Research, development, test, and evaluation:			
Appropriations, fiscal year 1987:			
Regular annual act *(net)*[6]	41,939,700,000	35,497,813,000	−6,441,887,000
New budget *(obligational)* authority	(41,939,700,000)	(35,813,814,000)	(−6,125,886,000)
Rescissions		(−316,001,000)	(−316,001,000)

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Military—Continued:			
Special foreign currency program:			
Appropriations, fiscal year 1987:			
Regular annual act [6]	$3,500,000	$3,500,000	
Revolving and management funds:			
Appropriations, fiscal year 1987:			
Regular annuai act [6]	1,197,300,000	650,672,000	−$546,628,000
Appropriations, fiscal year 1986:			
Supplemental act *(net)*			
New budget *(obligational)* authority		(100,000,000)	(+100,000,000)
Rescissions		(−100,000,000)	(−100,000,000)
Total, revolving and management funds *(net)*	1,197,300,000	650,672,000	−546,628,000
Other:			
Appropriations, fiscal year 1987:			
Regular annual act [6]		1,561,000,000	+1,561,000,000
Legislative acts: Trust funds [2]		[2] −186,000,000	−186,000,000
Total, other		1,375,000,000	+1,375,000,000
Military construction:			
Appropriations, fiscal year 1987:			
Carried in separate regular annual act *(net)* [8]	10,137,200,000	8,155,774,000	−1,981,426,000
New budget *(obligational)* authority	(10,137,200,000)	(8,242,674,000)	(−1,894,526,000)
Rescissions		(−86,900,000)	(−86,900,000)
Appropriations, fiscal year 1988:			
Carried in separate regular annual act [8]	221,000,000	221,000,000	
Appropriations, fiscal year 1989:			
Carried in separate regular annual act [8]	162,000,000	214,000,000	+52,000,000
Total, military construction *(net)*	10,520,200,000	8,590,774,000	−1,929,426,000
Total, regular annual and supplemental appropriation acts *(net)*	309,403,600,000	277,067,865,000	−32,335,735,000
Permanent appropriations:			
Federal funds	8,000,000	8,000,000	
(Authority to borrow)	*(8,000,000)*	*(8,000,000)*	
Trust funds	63,700,000	63,700,000	
(Contract authority)	*(39,800,000)*	*(39,800,000)*	
Total, permanent appropriations	71,700,000	71,700,000	
Grand total for session, Department of Defense—Miiltary *(net)*	309,475,300,000	277,139,565,000	−32,335,735,000
Consisting of—			
Appropriations, fiscal year 1987:			
Regular annual act	298,883,400,000	273,801,468,000	−25,081,932,000
Carried in separate and other regular annual acts	10,137,200,000	8,242,674,000	−1,894,526,000
Carried in continuing appropriations		300,000,000	+300,000,000
Rescissions		−5,410,777,000	−5,410,777,000
Legislative acts: Trust funds [2]		[2] −186,000,000	−186,000,000
Subtotal *(net)*	309,020,600,000	276,747,365,000	−32,273,235,000

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III) Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Military—Continued:			
Military construction—Continued:			
Consisting of—Continued:			
Appropriations, fiscal year 1987—Continued:			
Permanent appropriations:			
Federal funds	$8,000,000	$8,000,000	
Trust funds	63,700,000	63,700,000	
Subtotal	71,700,000	71,700,000	
Total appropriations, fiscal year 1987 *(net)*	309,092,300,000	276,819,065,000	−$32,273,235,000
Appropriations, fiscal year 1986:			
Supplemental act		108,000,000	+108,000,000
Rescissions	*(−114,500,000)*	−222,500,000	[7] −222,500,000
Total appropriations, fiscal year 1986 *(net)*		−114,500,000	−114,500,000
Appropriations, fiscal year 1988:			
Carried in separate and other regular annual acts	221,000,000	221,000,000	
Appropriations, fiscal year 1989:			
Carried in separate and other regular annual acts	162,000,000	214,000,000	+52,000,000
Grand total for session, Department of Defense—Military *(net)*	309,475,300,000	277,139,565,000	−32,335,735,000
District of Columbia—Federal Funds:			
Appropriations, fiscal year 1987:			
Regular annual act [9]	560,380,000	560,380,000	
Appropriated during 99th Cong., 1st sess. for fiscal year 1987		20,000,000	+20,000,000
Estimates not considered (see Table VIIIg)	−20,000,000		+20,000,000
Total appropriations, fiscal year 1987	540,380,000	580,380,000	+40,000,000
Appropriations, fiscal year 1988:			
Regular annual act [9]		20,000,000	+20,000,000
Grand total for session, District of Columbia—Federal Funds	540,380,000	600,380,000	+60,000,000
(District of Columbia—Payable from District revenues:)			
(Appropriations, fiscal year 1987:)			
(Regular annual act) [9]	*(2,989,598,000)*	*(3,060,407,000)*	*(+70,809,000)*
(Appropriations, fiscal year 1986 supplemental:)			
(Regular annual act (net)) [9]	*(160,127,000)*	*(155,127,000)*	*(−5,000,000)*
(New budget (obligational) authority)	*(195,583,000)*	*(190,583,000)*	*(−5,000,000)*
(Rescissions)	*(−35,456,000)*	*(−35,456,000)*	
(Grand total for session, District of Columbia—Payable from District revenues (net))	*(3,149,725,000)*	*(3,215,534,000)*	*(+65,809,000)*

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Education:			
Appropriations, fiscal year 1987:			
Regular annual act[10]	$16,265,881,000	$19,235,641,000	+$2,969,760,000
Carried in other regular annual acts	75,729,000	64,036,000	−11,693,000
Carried in continuing appropriations		207,177,000	+207,177,000
Estimates not considered (see Table VIIIg)	97,000,000		−97,000,000
Subtotal	16,438,610,000	19,506,854,000	+3,068,244,000
Permanent appropriations:			
Federal funds	7,148,000	7,148,000	
Trust funds	10,000	10,000	
Total, permanent appropriations	7,158,000	7,158,000	
Total appropriations, fiscal year 1987	16,445,768,000	19,514,012,000	+3,068,244,000
Appropriations, fiscal year 1986:			
Supplemental act		166,000,000	+166,000,000
Grand total for session, Department of Education	16,445,768,000	19,680,012,000	+3,234,244,000
Department of Energy:			
Appropriations, fiscal year 1987:			
Regular annual act[5]	11,483,101,000	10,404,917,000	−1,078,184,000
Carried in other regular annual act	336,853,000	935,350,000	+598,497,000
Legislative acts: Federal funds[2]	39,000,000	[2] 200,000,000	+161,000,000
Subtotal	11,858,954,000	11,540,267,000	−318,687,000
Permanent appropriations:			
Federal funds	280,133,000	280,133,000	
(Authority to borrow)	*(276,100,000)*	*(276,100,000)*	
Trust funds	86,450,000	86,450,000	
Total, permanent appropriations	366,583,000	366,583,000	
Grand total for session, Department of Energy	12,225,537,000	11,906,850,000	−318,687,000
Environmental Protection Agency:			
Appropriations, fiscal year 1987:			
Regular annual act[11]	4,226,466,000	4,755,092,000	+528,626,000
Rescissions		−600,000,000	−600,000,000
Subtotal *(net)*	4,226,466,000	4,155,092,000	−71,374,000
Permanent appropriations:			
Trust funds	15,000	15,000	
Grand total for session, Environmental Protection Agency *(net)*	4,226,481,000	4,155,107,000	−71,374,000

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Foreign Assistance:			
Appropriations, fiscal year 1987:			
Regular annual act [12]	$15,051,224,125	$12,936,104,711	−$2,115,119,414
Carried in continuing appropriations		3,000,000	+3,000,000
Subtotal	15,051,224,125	12,939,104,711	−2,112,119,414
Permanent appropriations:			
Federal funds	473,315,000	473,315,000	
(Authority to borrow)	*(473,315,000)*	*(473,315,000)*	
Trust funds	12,615,635,000	12,615,635,000	
(Contract authority)	*(12,600,000,000)*	*(12,600,000,000)*	
Total, permanent appropriations	13,088,950,000	13,088,950,000	
Total appropriations, fiscal year 1987	28,140,174,125	26,028,054,711	−2,112,119,414
Appropriations, fiscal year 1986:			
Supplemental act	235,000,000	150,000,000	−85,000,000
Grand total for session, Foreign Assistance	28,375,174,125	26,178,054,711	−2,197,119,414
General Government:			
Appropriations, fiscal year 1987:			
Regular annual act [11]	287,169,000	279,024,000	−8,145,000
Carried in other regular annual acts	6,365,486,569	6,455,754,969	+90,268,400
Carried in continuing appropriations		12,000,000	+12,000,000
Appropriated during 98th Cong., 2d sess. for fiscal year 1987	[13] *(100,000,000)*	[13] *(200,000,000)*	*(+100,000,000)*
Estimates not considered (see Table VIIIg)	5,000,000		−5,000,000
Legislative acts:			
Federal funds [2]	−300,000,000	[2] −440,000,000	−140,000,000
Trust funds [2]	2,317,000,000	[2] 1,231,000,000	−1,086,000,000
Subtotal	8,674,655,569	7,537,778,969	−1,136,876,600
Permanent appropriations:			
Federal funds	952,101,000	952,101,000	
(Authority to borrow)	*(743,401,000)*	*(743,401,000)*	
Trust funds	13,416,000	13,416,000	
Total, permanent appropriations	965,517,000	965,517,000	
Total appropriations, fiscal year 1987	9,640,172,569	8,503,295,969	−1,136,876,600
Appropriations, fiscal year 1986:			
Supplemental act	316,498,000	288,653,000	−27,845,000
Estimates not considered (see Table VIIIg)	7,768,000		−7,768,000
Total appropriations, fiscal year 1986	324,266,000	288,653,000	−35,613,000
Appropriations, fiscal year 1988:			
Carried in other regular annual act		13,200,000	+13,200,000
Appropriations, fiscal year 1989:			
Carried in other regular annual act	130,000,000	238,000,000	+108,000,000
Grand total for session, General Government	10,094,438,569	9,043,148,969	−1,051,289,600

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
General Services Administration:			
Appropriations, fiscal year 1987:			
Regular annual act[11]	$390,183,000	$375,620,800	-$14,562,200
Carried in other regular annual act	1,272,000	1,272,000	
Subtotal	391,455,000	376,892,800	-14,562,200
Permanent appropriations:			
Federal funds	8,868,000	8,868,000	
Grand total for session, General Services Administration	400,323,000	385,760,800	-14,562,200
Department of Health and Human Services:			
Appropriations, fiscal year 1987:			
Regular annual act[10]	70,273,063,000	75,461,976,000	+5,188,913,000
Carried in other regular annual acts	1,152,003,000	1,347,423,000	+195,420,000
Carried in continuing appropriations	373,998,000	645,333,000	+271,335,000
Estimates not considered (see Table VIIIg)	-186,911,000		+186,911,000
Legislative acts: Trust funds[2]	-121,000,000	[2] 538,000,000	+659,000,000
Appropriated during 99th Cong., 1st sess. for fiscal year 1987	[13] *(11,473,754,000)*	[13] *(11,473,754,000)*	
Subtotal	71,491,153,000	77,992,732,000	+6,501,579,000
Permanent appropriations:			
Federal funds	17,761,204,000	17,761,204,000	
Trust funds	318,219,121,000	318,219,121,000	
Total, permanent appropriations	335,980,325,000	335,980,325,000	
Total appropriations, fiscal year 1987	407,471,478,000	413,973,057,000	+6,501,579,000
Appropriations, fiscal year 1986:			
Supplemental act		23,000,000	+23,000,000
Estimates not considered (see Table VIIIg)	100,228,000		-100,228,000
Total appropriations, fiscal year 1986	100,228,000	23,000,000	-77,228,000
Appropriations, fiscal year 1988:			
Regular annual act	12,598,065,000	12,598,065,000	
Grand total for session, Department of Health and Human Services	420,169,771,000	426,594,122,000	+6,424,351,000
Department of Housing and Urban Development:			
Appropriations, fiscal year 1987:			
Regular annual act[14]	6,703,582,000	13,314,140,300	+6,610,558,300
Rescission of contract authority	*(-318,362,000)*	-253,100,000	[7] -253,100,000
Supplemental act *(rescissions)*		-6,042,000,000	-6,042,000,000
Estimates not considered (see Table VIIIg)	7,000,000		-7,000,000
Legislative acts: Federal funds[2]	279,000,000	[2] 183,000,000	-96,000,000
Subtotal *(net)*	6,989,582,000	7,202,040,300	+212,458,300
Permanent appropriations:			
Federal funds	1,580,178,000	1,580,178,000	
(Authority to borrow)	*(1,572,746,000)*	*(1,572,746,000)*	
Trust funds	5,000	5,000	
Total, permanent appropriations	1,580,183,000	1,580,183,000	
Total appropriations, fiscal year 1987 *(net)*	8,569,765,000	8,782,223,300	+212,458,300

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Housing and Urban Development—Con.:			
Appropriations, fiscal year 1986:			
Supplemental act *(rescissions)*	*(−$1,442,504,000)*	−$6,692,504,000	[7] −$6,692,504,000)
Grand total for session, Department of Housing and Urban Development *(net)*	8,569,765,000	2,089,719,300	−6,480,045,700
Department of the Interior:			
Appropriations, fiscal year 1987:			
Regular annual act [15]	3,632,714,000	4,129,002,000	+496,288,000
Rescissions		−3,200,000	−3,200,000
Carried in other regular annual acts	851,200,000	867,647,000	+16,447,000
Carried in continuing appropriations		23,500,000	+23,500,000
Legislative acts: Federal funds [2]	2,000,000	[2] 214,000,000	+212,000,000
Appropriations to liquidate contract authorizations		*(12,500,000)*	*(+12,500,000)*
Subtotal *(net)*	4,485,914,000	5,230,949,000	+745,035,000
Permanent appropriations:			
Federal funds	1,050,587,000	1,050,587,000	
(Authority to borrow)	*(1,300,000)*	*(1,300,000)*	
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
Trust funds	671,728,000	671,728,000	
Total, permanent appropriations	1,722,315,000	1,722,315,000	
Total appropriations, fiscal year 1987 *(net)*	6,208,229,000	6,953,264,000	+745,035,000
Appropriations, fiscal year 1986:			
Supplemental act *(net)*	219,520,000	234,917,000	+15,397,000
New budget *(obligational)* authority	(219,520,000)	(263,837,000)	(+44,317,000)
Rescissions	*(−28,710,000)*	(−28,920,000)	[7] (−28,920,000)
Grand total for session, Department of the Interior *(net)*	6,427,749,000	7,188,181,000	+760,432,000
The Judiciary:			
Appropriations, fiscal year 1987:			
Regular annual act [4]	1,220,683,000	1,149,292,000	−71,391,000
Carried in continuing appropriations		37,500,000	+37,500,000
Legislative acts: Trust funds [2]		[2] 2,000,000	+2,000,000
Subtotal	1,220,683,000	1,188,792,000	−31,891,000
Permanent appropriations: Trust funds	17,068,000	17,068,000	
Total appropriations, fiscal year 1987	1,237,751,000	1,205,860,000	−31,891,000
Appropriations, fiscal year 1986:			
Supplemental act	7,046,000	6,346,000	−700,000
Estimates not considered (see Table VIIIg)	6,600,000		−6,600,000
Total appropriations, fiscal year 1986	13,646,000	6,346,000	−7,300,000
Grand total for session, The Judiciary	1,251,397,000	1,212,206,000	−39,191,000

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Justice:			
Appropriations, fiscal year 1987:			
Regular annual act[4]	$4,204,705,000	$4,133,590,000	−$71,115,000
Carried in continuing appropriations	32,000,000	539,500,000	+507,500,000
Legislative acts: Federal funds[2]	....	[2] 10,000,000	+10,000,000
Subtotal	4,236,705,000	4,683,090,000	+446,385,000
Permanent appropriations:			
Federal funds	100,000,000	100,000,000	....
Total appropriations, fiscal year 1987	4,336,705,000	4,783,090,000	+446,385,000
Appropriations, fiscal year 1986:			
Supplemental act *(net)*	10,620,000	26,600,000	+15,980,000
New budget *(obligational)* authority	(10,620,000)	(36,600,000)	(+25,980,000)
Rescissions	....	(−10,000,000)	(−10,000,000)
Grand total for session, Department of Justice *(net)*	4,347,325,000	4,809,690,000	+462,365,000
Department of Labor:			
Appropriations, fiscal year 1987:			
Regular annual act[10]	4,872,614,000	5,665,002,000	+792,388,000
Carried in continuing appropriations	....	3,000,000	+3,000,000
Subtotal	4,872,614,090	5,668,002,000	+795,388,000
Permanent appropriations: Trust funds	25,387,010,000	25,387,010,000	....
Grand total for session, Department of Labor	30,259,624,000	31,055,012,000	+795,388,000
Legislative Branch:			
Appropriations, fiscal year 1987:			
Regular annual act[16]	1,822,290,900	1,637,290,214	−185,000,686
Permanent appropriations:			
Federal funds	159,975,000	159,975,000	....
Trust funds	8,754,000	8,754,000	....
Total permanent appropriations	168,729,000	168,729,000	....
Total appropriations, fiscal year 1987	1,991,019,900	1,806,019,214	−185,000,686
Appropriations, fiscal year 1986:			
Supplemental act	79,579,000	25,962,000	−53,617,000
Estimates not considered (see Table VIIIg)	16,558,000	....	−16,558,000
Total appropriations, fiscal year 1986	96,137,000	25,962,000	−70,175,000
Grand total for session, Legislative Branch	2,087,156,900	1,831,981,214	−255,175,686
National Aeronautics and Space Administration:			
Appropriations, fiscal year 1987:			
Regular annual act[11]	7,966,400,000	8,000,000,000	+33,600,000
Carried in continuing appropriations	....	2,434,000,000	+2,434,000,000
Supplemental act	....	100,000,000	+100,000,000
Total appropriations, fiscal year 1987	7,966,400,000	10,534,000,000	+2,567,600,000
Appropriations, fiscal year 1986:			
Supplemental act	....	431,000,000	+431,000,000
Grand total for session, National Aeronautics and Space Administration	7,966,400,000	10,965,000,000	+2,998,600,000

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess	Increase (+) or decrease (−), appropriations compared with estimates
Office of Personnel Management:			
Appropriations, fiscal year 1987:			
Regular annual act [11]	$6,188,568,000	$6,120,250,000	−$68,318,000
Legislative acts:			
Federal funds [2]	−60,000,000	[2] −470,000,000	−410,000,000
Trust funds [2]		[2] 5,000,000	+5,000,000
Subtotal	6,128,568,000	5,655,250,000	−473,318,006
Permanent appropriations:			
Federal funds	11,859,650,000	11,859,650,000	
Trust funds	43,256,795,000	43,256,795,000	
Total, permanent appropriations	55,116,445,000	55,116,445,000	
Total appropriations, fiscal year 1987	61,245,013,000	60,771,695,000	−473,318,000
Appropriations, fiscal year 1986:			
Supplemental act		250,000	+250,000
Grand total for session, Office of Personnel Management	61,245,013,000	60,771,945,000	−473,068,000
Postal Service:			
Appropriations, fiscal year 1987:			
Regular annual act [11]	40,049,000	650,000,000	+609,951,000
Legislative acts: Federal funds [2]	777,000,000	[2] 390,000,000	−387,000,000
Subtotal	817,049,000	1,040,000,000	+222,951,000
Permanent appropriations:			
Federal funds	2,697,709,000	2,697,709,000	
(Authority to borrow)	*(2,697,709,000)*	*(2,697,709,000)*	
Grand total for session, Postal Service	3,514,758,000	3,737,709,000	+222,951,000
Railroad Retirement Board:			
Appropriations, fiscal year 1987:			
Regular annual act [11]	258,980,000	383,100,000	+124,120,000
Permanent appropriations:			
Federal funds	2,639,000,000	2,639,000,000	
Trust funds	9,739,000,000	9,739,000,000	
Total, permanent appropriations	12,378,000,000	12,378,000,000	
Grand total for session, Railroad Retirement Board	12,636,980,000	12,761,100,000	+124,120,000
Small Business Administration: [17]			
Appropriations, fiscal year 1987:			
Regular annual act [11]	2,803,621,000	481,742,000	−2,321,879,000
Permanent appropriations:			
Federal funds	315,000,000	315,000,000	
(Authority to borrow)	*(315,000,000)*	*(315,000,000)*	
Grand total for session, Small Business Administration	3,118,621,000	796,742,000	−2,321,879,000

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of State:			
Appropriations, fiscal year 1987:			
Regular annual act[4]	$3,920,195,000	$2,585,697,000	−$1,334,498,000
Carried in other regular annual act	447,810,000	436,141,000	−11,669,000
Carried in continuing appropriations		53,000,000	+53,000,000
Subtotal	4,368,005,000	3,074,838,000	−1,293,167,000
Permanent appropriations:			
Federal funds	198,445,000	198,445,000	
Trust funds	789,117,000	789,117,000	
Total, permanent appropriations	987,562,000	987,562,000	
Total appropriations, fiscal year 1987	5,355,567,000	4,062,400,000	−1,293,167,000
Appropriations, fiscal year 1986:			
Supplemental act	697,866,000	704,104,000	+6,238,000
Estimates not considered (see Table VIIIg)	−9,000,000		+9,000,000
Total appropriations, fiscal year 1986	688,866,000	704,104,000	+15,238,000
Grand total for session, Department of State	6,044,433,000	4,766,504,000	−1,277,929,000
Department of Transportation:			
Appropriations, fiscal year 1987:			
Regular annual act[18]	6,453,896,000	9,699,404,500	+3,245,508,500
Rescissions		−5,000,000	−5,000,000
Carried in other regular annual act	58,843,000	67,500,000	+8,657,000
Carried in continuing appropriations		128,000,000	+128,000,000
Legislative acts:			
Federal funds[2]		[2] −12,000,000	−12,000,000
Trust funds[2]	15,000,000	[2] 64,000,000	+49,000,000
Appropriations to liquidate contract authorizations	*(15,515,625,000)*	*(15,579,000,000)*	*(+63,375,000)*
Subtotal *(net)*	6,527,739,000	9,941,904,500	+3,414,165,500
Permanent appropriations:			
Federal funds	330,800,000	330,800,000	
(Authority to borrow)	*(3,800,000)*	*(3,800,000)*	
(Contract authority)	*(320,000,000)*	*(320,000,000)*	
Trust funds	5,122,661,000	5,122,661,000	
(Contract authority)	*(5,117,200,000)*	*(5,117,200,000)*	
Total, permanent appropriations	5,453,461,000	5,453,461,000	
Total appropriations, fiscal year 1987 *(net)*	11,981,200,000	15,395,365,500	+3,414,165,500
Appropriations, fiscal year 1986:			
Supplemental act	6,755,000	115,500,000	+108,745,000
Grand total for session, Department of Transportation *(net)*	11,987,955,000	15,510,865,500	+3,522,910,500

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Treasury:			
Appropriations, fiscal year 1987:			
Regular annual act [11]	$5,964,489,000	$6,217,905,000	+$253,416,000
Carried in other regular annual act	5,560,000	5,560,000	
Carried in continuing appropriations		160,051,000	+160,051,000
Legislative acts: Federal funds [2]		[2]61,000,000	+61,000,000
Private appropriation acts		88,525	+88,525
Subtotal	5,970,049,000	6,444,604,525	+474,555,525
Permanent appropriations:			
Federal funds	206,267,465,000	206,267,465,000	
Trust funds	7,812,000	7,812,000	
Total, permanent appropriations	206,275,277,000	206,275,277,000	
Total appropriations, fiscal year 1987	212,245,326,000	212,719,881,525	+474,555,525
Appropriations, fiscal year 1986:			
Supplemental act	340,000,000	374,556,000	+34,556,069
Grand total for session, Department of the Treasury	212,585,326,000	213,094,437,525	+509,111,525
Veterans Administration:			
Appropriations, fiscal year 1987:			
Regular annual act [11]	25,642,073,000	26,044,854,000	+402,781,000
Permanent appropriations: Trust funds	1,718,220,000	1,718,220,000	
Total appropriations, fiscal year 1987	27,360,293,000	27,763,074,000	+402,781,000
Appropriations, fiscal year 1986:			
Supplemental act	363,000,000	363,000,000	
Grand total for session, Veterans Administration	27,723,293,000	28,126,074,000	+402,781,000
Grand total:			
Consisting of—			
Appropriations:			
Fiscal year 1987 *(net)*	1,290,092,297,594	1,271,253,096,019	−18,839,201,575
New budget *(obligational)* authority	(1,290,190,208,594)	(1,283,576,849,019)	(−6,613,359,575)
Rescissions	*(−318,362,000)*	(−12,323,753,000)	[7](−12,323,753,000)
Estimates not considered	(−97,911,000)		(+97,911,000)
Fiscal year 1986 *(net)*	7,869,738,000	8,190,977,000	+321,239,000
New budget *(obligational)* authority	(7,747,584,000)	(15,144,901,000)	(+7,397,317,000)
Rescissions	[7]*(−1,585,714,000)*	(−6,953,924,000)	[7](−6,953,924,000)
Estimates not considered	(122,154,000)		(−122,154,000)
Fiscal year 1988	12,819,065,000	12,852,265,000	+33,200,000
Fiscal year 1989	292,000,000	452,000,000	+160,000,000
Appropriations to liquidate contract authorizations	*(15,515,625,000)*	*(15,591,500,000)*	*(+75,875,000)*
Net total	1,311,073,100,594	1,292,748,338,019	−18,324,762,575
Less adjustments for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes", p. IV)	−194,691,075,000	−194,691,075,000	
Subtotal	1,116,382,025,594	1,098,057,263,019	−18,324,762,575

See footnotes at end of table, p. 3207.

VIIIj. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 99TH CONGRESS, 2D SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the February 1986 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 99th Cong., 2d sess.	Increase (+) or decrease (−), appropriations compared with estimates
Less estimates and appropriations made during prior Congressional sessions for fiscal year 1987		−$20,000,000	−$20,000,000
Net total for session	$1,116,382,025,594	1,098,037,263,019	−18,344,762,575
Consisting of:			
Regular annual, supplemental and continuing appropriation acts	591,306,840,594	591,775,909,494	+469,068,900
Rescissions	*(−1,904,076,000)*	−19,277,677,000	[7] −19,277,677,000
Estimates not considered	24,243,000		−24,243,000
Appropriations in legislative acts[2]	2,808,000,000	[2] 3,296,000,000	+488,000,000
Private appropriation acts		88,525	+88,525
Permanent appropriations: Federal and trust funds	716,934,017,000	716,934,017,000	
Adjustments for interfund and intragovernmental transactions (see par. 6, Compilers' Notes", p. IV)	−194,691,075,000	−194,691,075,000	

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[1] The regular appropriations bill for Agriculture, Rural Development, and Related Agencies for fiscal year 1987 (H.R. 5177) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(a) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 47, this volume; and pp. 189-226, this volume, for relevant section of continuing resolution).

[2] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after Mar. 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[3] Excludes $15,536,817,000 for the Commodity Credit Corporation shown in President's budget as "Permanent Federal funds" but reflected in this document as part of a "direct appropriation" of $19,808,806,000 (see pp. 201 and 3094, this volume).

[4] The regular appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 1987 (H.R. 5161) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(b) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 49, this volume; and pp. 226-267, this volume, for relevant section of continuing resolution).

[5] The regular appropriations bill for Energy and Water Development for fiscal year 1987 (H.R. 5162) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 55, this volume; and pp. 371-389, this volume, for relevant section of continuing resolution).

[6] The regular appropriations bill for the Department of Defense for fiscal year 1987 (H.R. 5438) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 51, this volume; and pp. 268-357, this volume, for relevant section of continuing resolution).

[7] Reflects actual rescission rather than comparison with request.

[8] The regular appropriations bill for Military Construction for fiscal year 1987 (H.R. 5052) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(k) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 143 this volume; and pp. 458-466, this volume, for relevant section of continuing resolution).

[9] The regular appropriations bill for the District of Columbia for fiscal year 1987 (H.R. 5175) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(d) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 53, this volume; and p. 357-370, this volume, for relevant section of continuing resolution).

[10] The regular appropriations bill for the Departments of Labor, Health and Human Services, and Education for fiscal year 1987 (H.R. 5233) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 93, this volume; and p. 458, this volume, for relevant section of continuing resolution).

[11] The regular appropriations bill for Treasury, Postal Service, and General Government for fiscal year 1987 (H.R. 5294) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(m) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 173, this volume; and p. 478-512, this volume, for relevant section of continuing resolution).

[12] The regular appropriations bill for Foreign Assistance and Related Programs for fiscal year 1987 (H.R. 5339) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(f) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 57, this volume; and pp. 389-415, this volume, for relevant section of continuing resolution).

[13] Included under "Permanent appropriations, Federal funds".

[14] The regular appropriations bill for the Department of Housing and Urban Development—Independent Agencies for fiscal year 1987 (H.R. 5313) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(g) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 59, this volume; and p. 416, this volume, for relevant section of continuing resolution).

[15] The regular appropriations bill for the Department of the Interior and Related Agencies for fiscal year 1987 (H.R. 5234) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 91, this volume; and pp. 416-458, this volume, for relevant section of continuing resolution).

[16] The regular appropriations bill for the Legislative Branch for fiscal year 1987 (H.R. 5203) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(j) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 127, this volume; and p. 458, this volume, for relevant section of continuing resolution).

[17] Shown under "General Government" in previous volumes.

[18] The regular appropriations bill for the Department of Transportation and Related Agencies for fiscal year 1987 (H.R. 5205) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(l) of Public Law 99-591, approved Oct. 30, 1986, Making Further Continuing Appropriations for fiscal year 1987 (see "Note" on p. 143, this volume; and pp. 478, this volume, for relevant section of continuing resolution).

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	$68,941,364,648	$67,545,660,880	-$1,395,703,768
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,153,239,093	33,571,494,011	-1,581,745,082
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	36,725,853,652	34,159,097,708	-2,566,755,944
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,053,346,713	38,282,717,957	-2,770,628,756
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	45,524,384,067	43,708,265,798	-1,816,118,269
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	80,172,585,565	78,200,190,841	-1,972,394,724
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	102,449,917,037	97,729,806,397	-4,720,110,640
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	91,205,894,252	82,596,777,411	-8,609,116,841
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	73,976,821,699	61,942,992,897	-12,033,828,802
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	57,422,327,386	54,812,457,263	-2,609,870,123
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	62,030,092,195	59,954,284,321	-2,075,807,874
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	68,587,724,820	68,330,229,608	-257,495,212
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,113,555,340	68,070,096,556	-5,043,458,784
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,737,060,999	81,119,818,276	-617,242,723
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	83,452,687,259	81,572,357,732	-1,880,329,527
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	84,010,398,836	83,799,241,957	-211,156,879
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	101,185,574,673	96,194,946,610	-4,990,628,063
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	107,203,876,735	102,661,536,812	-4,542,339,923
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	110,270,774,856	103,798,634,671	-6,472,140,185
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	[1] 110,204,088,176	[2] 106,070,110,056	-4,133,978,120
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	[3] 121,719,754,896	[4] 119,310,113,527	-2,409,641,369
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	[5] 144,812,809,086	[6] 143,883,626,282	-929,182,804
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	[7] 162,988,905,929	[8] 156,917,115,912	[9] -6,071,790,017

See footnotes on pp. 3214–3216.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (−), appropriations compared with estimates (4)
90th Cong., 2d sess., fiscal year 1969 and prior years	[10] $209,439,260,996	[11] $196,537,244,324	−$12,902,016,672
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,908,612,996)*	*(133,339,868,734)*	*(−14,568,744,262)*
Appropriations in legislative acts	*(1,332,500,000)*	*(2,999,227,590)*	*(+1,666,727,590)*
Permanent appropriations, Federal and trust funds	*(72,998,148,000)*	*(72,998,148,000)*	
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*	*(−12,800,000,000)*	
91st Cong., 1st sess., fiscal year 1970 and prior years	[12] 210,843,237,215	[13] 207,248,481,494	−3,594,755,721
Consisting of:			
Regular annual and supplemental appropriation acts	*(142,701,346,215)*	*(134,431,463,135)*	*(−8,269,883,080)*
Appropriations in legislative acts	*(5,000,000)*	*(4,680,127,359)*	*(+4,675,127,359)*
Permanent appropriations, Federal and trust funds	*(82,052,416,000)*	*(82,052,416,000)*	
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*	*(−13,915,525,000)*	
91st Cong., 2d sess., fiscal year 1971 and prior years	[14] 217,605,978,434	[15] 232,139,894,882	+14,533,916,448
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,778,903,434)*	*(144,273,528,504)*	*(−3,505,374,930)*
Appropriations in legislative acts		*(18,039,291,378)*	*(+18,039,291,378)*
Permanent appropriations, Federal and trust funds	*(88,059,842,000)*	*(88,059,842,000)*	
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*	*(−18,232,767,000)*	
92d Cong., 1st sess., fiscal year 1972 and prior years	[16] 248,329,646,937	[17] 245,707,600,635	−2,622,046,302
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(167,969,353,937)*	*(165,300,661,865)*	*(−2,668,692,072)*
Appropriations in legislative acts		*(46,645,770)*	*(+46,645,770)*
Permanent appropriations, Federal and trust funds	*(100,764,691,000)*	*(100,764,691,000)*	
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*	*(−20,404,398,000)*	
92d Cong., 2d sess., fiscal year 1973 and prior years	[18] 281,543,640,953	[19] [20] 284,782,538,934	+3,238,897,981
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(185,509,077,552)*	*(179,006,901,364)*	*(−6,502,176,188)*
Appropriations in legislative acts	*(1,954,000,000)*	*(11,200,404,169)*	*(+9,246,404,169)*
Permanent appropriations, Federal and trust funds	*(117,995,208,401)*	*(118,489,878,401)*	*(+494,670,000)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*	*(−23,914,645,000)*	

See footnotes on pp. 3214–3216.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (-), appropriations compared with estimates (4)
93d Cong., 1st sess., fiscal year 1974 and prior years	[21] $295,154,959,255	[22] $303,476,236,654	+$8,321,277,399
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(178,014,404,255)*	*(174,902,319,304)*	*(-3,112,084,951)*
Appropriations in legislative acts	*(4,969,950,000)*	*(16,403,312,350)*	*(+11,433,362,350)*
Permanent appropriations, Federal and trust funds	*(149,428,595,000)*	*(149,428,595,000)*	
Adjustments for interfund and intragovernmental transactions	*(-37,257,990,000)*	*(-37,257,990,000)*	
93d Cong., 2d sess., fiscal year 1975 and prior years	[23] 344,779,700,007	[24] 390,041,133,427	[25] +45,261,433,420
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(213,694,183,007)*	*(204,012,311,514)*	*(-9,681,871,493)*
Appropriations in legislative acts	*(7,778,000,000)*	[26] *(62,721,304,913)*	*(+54,943,304,913)*
Permanent appropriations, Federal and trust funds	*(167,031,493,000)*	*(167,031,493,000)*	
Adjustments for interfund and intragovernmental transactions	*(-43,723,976,000)*	*(-43,723,976,000)*	
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	[27] 406,281,005,434	[28] 400,113,361,951	-6,167,643,483
Transition period	85,480,984,914	83,406,054,499	-2,074,930,415
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(268,312,351,434)*	*(262,194,919,839)*	*(-6,117,431,595)*
Transition period	*(49,641,474,914)*	*(47,575,114,499)*	*(-2,066,360,415)*
Rescission acts	[29] *(-2,633,306,226)*	*(-287,291,174)*	*(-287,291,174)*
Appropriations in legislative acts	*(10,000,000,000)*	[30] *(10,237,079,286)*	*(+237,079,286)*
Transition period (net)		*(-8,570,000)*	*(-8,570,000)*
Permanent appropriations, Federal and trust funds	*(182,234,795,000)*	*(182,234,795,000)*	
Transition period	*(46,570,059,000)*	*(46,570,059,000)*	
Adjustments for interfund and intragovernmental transactions	*(-54,266,141,000)*	*(-54,266,141,000)*	
Transition period	*(-10,730,549,000)*	*(-10,730,549,000)*	
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	[31] 452,558,401,535	[32] 444,664,800,880	-7,893,600,655
Transition period	3,667,308,225	[33] 8,507,078,440	+4,839,770,215
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(280,825,058,535)*	*(277,503,235,407)*	*(-3,321,823,128)*
Transition period (net)	*(3,579,808,225)*	*(4,812,230,180)*	*(+1,232,421,955)*
Rescission acts	[29] *(-2,721,032,655)*	*(-70,656,000)*	*(-70,656,000)*
Transition period	*(-45,600,000)*	*(-5,175,000)*	*(-5,175,000)*
Appropriations in legislative acts	*(6,950,000,000)*	[34] *(2,448,878,473)*	*(-4,501,121,527)*
Transition period	*(87,500,000)*	[35] *(3,700,023,260)*	*(+3,612,523,260)*
Permanent appropriations, Federal and trust funds	*(227,151,661,000)*	*(227,151,661,000)*	
Adjustments for interfund and intragovernmental transactions	*(-62,368,318,000)*	*(-62,368,318,000)*	

See footnotes on pp. 3214–3216.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (−), appropriations compared with estimates (4)
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	$540,713,958,174	$527,330,473,509	-$13,383,484,665
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(366,590,877,174)*	*(354,014,030,783)*	*(-12,576,846,391)*
Rescission acts	*(-1,779,480,000)*	*(-807,640,000)*	*(-807,640,000)*
Appropriations in legislative acts		*(1,001,726)*	*(+1,001,726)*
Permanent appropriations, Federal and trust funds	*(235,215,056,000)*	*(235,215,056,000)*	
Adjustments for interfund and intragovernmental transactions	*(-61,091,975,000)*	*(-61,091,975,000)*	
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	597,475,620,701	579,378,264,134	-18,097,356,567
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(373,829,695,701)*	*(353,538,353,730)*	*(-20,291,341,971)*
Rescission acts	*(-603,255,000)*	*(-55,255,000)*	*(-55,255,000)*
Appropriations in legislative acts	*(17,349,285,000)*	*(19,598,525,404)*	*(+2,249,240,404)*
Permanent appropriations:			
Federal and trust funds	*(269,875,638,000)*	*(269,875,638,000)*	
Adjustments for interfund and intragovernmental transactions	*(-63,578,998,000)*	*(-63,578,998,000)*	
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	638,492,625,836	623,190,712,474	(−15,301,913,362)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(402,717,061,836)*	*(388,138,756,291)*	*(−14,578,305,545)*
Rescission acts	*(−914,617,000)*	*(−723,609,000)*	*(−723,609,000)*
Appropriations in legislative acts		*(+1,183)*	*(+1,183)*
Permanent appropriations:			
Federal and trust funds	*(308,995,920,000)*	*(308,995,920,000)*	
Adjustments for interfund and intragovernmental transactions	*(−73,220,356,000)*	*(−73,220,356,000)*	
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	716,540,499,292	696,792,053,346	(−19,748,445,946)
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(453,514,910,292)*	*(433,765,621,344)*	*(−19,749,288,948)*
Rescission acts			
Appropriations in legislative acts		*(+843,002)*	*(+843,002)*
Permanent appropriations:			
Federal and trust funds	*(351,616,467,000)*	*(351,616,467,000)*	
Adjustments for interfund and intragovernmental transactions	*(−88,590,878,000)*	*(−88,590,878,000)*	

See footnotes on pp. 3214–3216.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (–), appropriations compared with estimates (4)
97th Cong., 1st sess.:			
Fiscal year 1982 and prior fiscal years	[47] $770,438,061,450	[48] $755,274,775,261	–$15,163,286,189
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(452,000,228,450)*	*(436,836,942,261)*	*(–15,163,286,189)*
Rescission acts			
Appropriations in legislative acts			
Permanent appropriations:			
Federal and trust funds	*(427,399,947,000)*	*(427,399,947,000)*	
Adjustments for interfund and intragovernmental transactions	*(–108,962,114,000)*	*(–108,962,114,000)*	
97th Cong., 2d sess.:			
Fiscal year 1983 and prior fiscal years	[49] 855,549,160,484	[50] 862,835,894,982	+7,286,734,498
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(511,543,914,484)*	*(507,201,582,060)*	*(–4,342,332,424)*
Rescission acts			
Appropriations in legislative acts	*(3,220,000,000)*	*(14,849,000,000)*	*(+11,629,000,000)*
Private appropriation acts		*(66,922)*	*(+66,922)*
Permanent appropriations:			
Federal and trust funds	*(475,786,994,000)*	*(475,786,994,000)*	
Adjustments for interfund and intragovernmental transactions	*(–135,001,748,000)*	*(–135,001,748,000)*	
98th Cong., 1st sess.:			
Fiscal year 1984 and prior fiscal years	[51] 930,234,128,985	[52] 946,627,586,722	+16,393,457,737
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(543,716,482,985)*	*(549,717,909,104)*	*(+6,001,426,119)*
Rescission acts			
Appropriations in legislative acts	*(14,950,000,000)*	*(25,342,000,000)*	*(+10,392,000,000)*
Private appropriation acts		*(31,618)*	*(+31,618)*
Permanent appropriations:			
Federal and trust funds	*(519,189,631,000)*	*(519,189,631,000)*	
Adjustments for interfund and intragovernmental transactions	*(–147,621,985,000)*	*(–147,621,985,000)*	
98th Cong., 2d sess.:			
Fiscal year 1985 and prior fiscal years	[53] 1,015,565,170,980	[54] 997,027,809,066	–18,537,361,914
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(579,375,055,980)*	*(560,627,524,986)*	*(–18,747,530,994)*
Rescission acts			
Appropriations in legislative acts		*(210,000,000)*	*(+210,000,000)*
Private appropriation acts			
Permanent appropriations:			
Federal and trust funds	*(619,354,391,000)*	*(619,354,391,000)*	
Adjustments for interfund and intragovernmental transactions	*(–183,164,276,000)*	*(–183,164,276,000)*	

See footnotes on pp. 3214–3216.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session (1)	Budget estimates (2)	Appropriations (3)	Increase (+) or decrease (–), appropriations compared with estimates (4)
99th Cong., 1st sess.:			
Fiscal year 1986 and prior fiscal years	[55] $1,095,466,342,939	[56] $1,086,123,592,087	–$9,342,750,852
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(591,917,552,939)*	*(578,038,802,087)*	*(–13,878,750,852)*
Rescission acts			
Appropriations in legislative acts	*(–2,460,000,000)*	*(2,076,000,000)*	*(+4,536,000,000)*
Private appropriation acts			
Permanent appropriations:			
Federal and trust funds	*(698,620,815,000)*	*(698,620,815,000)*	
Adjustments for interfund and intragovernmental transactions	*(–192,612,025,000)*	*(–192,612,025,000)*	
99th Cong., 2d sess.:			
Fiscal year 1987 and prior fiscal years	[57] 1,116,382,025,594	[58] 1,098,037,263,019	–18,344,762,575
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(591,331,083,594)*	*(572,498,232,494)*	*(–18,832,851,100)*
Rescission acts			
Appropriations in legislative acts	*(2,808,000,000)*	*(3,296,000,000)*	*(+488,000,000)*
Private appropriation acts		*(88,525)*	*(+88,525)*
Permanent appropriations:			
Federal and trust funds	*(716,934,017,000)*	*(716,934,017,000)*	
Adjustments for interfund and intragovernmental transactions	*(–194,691,075,000)*	*(–194,691,075,000)*	

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[1] Includes $225,000,000 requested in 1965 for fiscal year 1966.

[2] Includes $75,000,000 appropriated in 1965 for fiscal year 1966.

[3] Includes $937,500,000 requested in 1966 for fiscal year 1967.

[4] Includes $926,000,000 appropriated in 1966 for fiscal year 1967.

[5] Includes $900,000,000 requested in 1967 for fiscal year 1968.

[6] Includes $875,000,000 appropriated in 1967 for fiscal year 1968.

[7] Includes $1,055,000,000 requested in 1968 for fiscal year 1969.

[8] Includes $995,000,000 appropriated in 1968 for fiscal year 1969.

[9] Does not reflect additional reductions in controllable obligations effected pursuant to Public Law 90-218 (H.J. Res. 888) estimated at $3,400,617,000 on June 30, 1968. Reserves established $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining $3,400,617,000.

[10] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $2,895,000,000 requested in 1969 for fiscal year 1970.

[11] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $1,965,814,300 appropriated in 1969 for fiscal year 1970.

[12] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $1,651,000,000 requested in 1970 for fiscal year 1971.

[13] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $214,000,000 appropriated in 1970 for fiscal year 1971.

[14] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $188,011,000 requested in 1971 for fiscal year 1972.

[15] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $150,000,000 appropriated in 1971 for fiscal year 1972.

[16] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $174,321,000 requested in 1972 for fiscal year 1973.

[17] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $174,321,000 appropriated in 1972 for fiscal year 1973.

[18] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $131,181,000 requested in 1973 for fiscal year 1974.

[19] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $131,181,000 appropriated in 1973 for fiscal year 1974.

[20] Includes appropriations totaling $33,499,495,500 in continuing resolution (Public Law 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, and Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects an increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-1973 volume due to later estimates.

[21] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* (1) $90,360,000 requested in 1974 for fiscal year 1975 and (2) proposed rescissions of fiscal year 1973 appropriations of $198,055,000; and *exclude* (1) decreases of $965,788,000 submitted in 1974 budget as amendments to 1973 budget requests and not acted upon, and (2) proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000 which the Congress did not approve.

[22] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* (1) $90,360,000 appropriated in 1974 for fiscal year 1975 and (2) rescissions of fiscal year 1973 appropriations totaling $212,412,000; and *excludes* action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000.

[23] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $2,391,561,000 requested in fiscal year 1975 for fiscal year 1976, and proposed rescissions totaling $1,455,116,000 in regular appropriation and rescission acts (see table VIIIj on p. 2427 1974–1975 volume for detail).

[24] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,428,597,000 appropriated in fiscal 1975 for fiscal year 1976, and rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427 1974–1975 volume for detail).

[25] Includes increase of $45,022,070,000 (budget estimate, $5,098,000,000; allowance, $50,120,070,000) which reflects 40-year run-out cost of annual contract authority made available through Public Law 93-383.

[26] Includes private acts totaling $165,913.

[27] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $2,417,777,000 requested in fiscal year 1976 for fiscal year 1977, and *exclude* proposed rescissions totaling $25,000,000 considered in a regular annual appropriation act (Public Law 94–134).

[28] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,653,410,852 appropriated in fiscal year 1976 for fiscal year 1977, and rescissions totaling $702,291,174 consisting of $25,000,000 in a regular annual appropriation act, $287,291,174 in rescission acts and $390,000,000 in a legislative act.

[29] Estimates not reflected in totals.

[30] Includes private acts totaling $27,286.

[31] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $95,421,779 for fiscal year 1978 and $90,000,000 for fiscal year 1979 requested in fiscal year 1977.

[32] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 4, "Compilers' Notes", p. IV. Appropriations figure includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 appropriated in fiscal year 1977, and rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts.

[33] Reflects rescissions of $5,175,000.

[34] Includes private acts totaling $878,473.

[35] Includes private acts totaling $23,260.

[36] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $120,200,000 for fiscal year 1980 requested in fiscal year 1978.

[37] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 4, "Compilers' Notes", p. IV. Appropriations figure includes $152,000,000 for fiscal year 1980 appropriated in fiscal year 1978, and rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[38] Includes private acts totaling $1,726.

[39] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $17,646,443,000, excluded from the 1978-79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). This amount has been increased by $198,300,000 above the $17,448,143,000 referred to in footnote 39 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Budget estimates also *include* $9,835,000,000 for fiscal year 1980, $4,627,000,000 for fiscal year 1981; and $4,465,000,000 for fiscal year 1982 requested in fiscal year 1979.

[40] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 4, "Compilers' Notes", p. IV. Appropriations figure includes $15,427,919,000, excluded from the 1978-79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). Estimates for these programs total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 40 of the 1978-79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Appropriations figure also includes $5,136,500,000 for fiscal year 1980, $5,615,000,000 for fiscal year 1981, and $4,374,000,000 for fiscal year 1982 appropriated in fiscal year 1979, and rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[41] Includes private acts totaling $1,325,404.

[42] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $662,319,000 excluded from the 1979–80 volume (96th Congress, 1st session) for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). This amount has been increased by $14,425,000 above the $647,894,000 referred to in footnote 42 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Budget estimates also include $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 requested in fiscal year 1980.

[43] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 4, "Compilers' Notes", p. IV. Appropriations figures includes $1,146,946,000, excluded from the 1979–80 volume (96th Congress, 1st session), for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). Estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 43 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Appropriations figure also *includes* $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 appropriated in fiscal year 1980, and rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,00 in rescission acts. Also reflects rescission of $47,500,000 in *permanent* contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[44] Consists of private appropriation acts.

[45] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $198,100,000 for fiscal year 1982; and $172,000,000 for fiscal year 1983 requested in fiscal year 1981. Budget estimates *exclude* $6,954,927,000 for fiscal year 1981 to liquidate "indefinite" budget authority requested in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no estimates included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts), but *include* $6,914,793,000 in "indefinite" budget authority for fiscal year 1981 which will be adjusted in fiscal year 1982 (1981-82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[46] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 appropriated in fiscal year 1981, and rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Totals also *exclude* $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no figures provided in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). *Includes* authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 (1981-82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[47] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $1,750,753,000 for fiscal year 1983; and $93,500,000 for fiscal year 1984 requested in fiscal year

1982. Budget estimates *exclude* $6,466,410,000 for fiscal year 1982 to liquidate "indefinite" budget authority requested in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 carried in 1980-81 volume), but *include* $4,916,000,000 in "indefinite" budget authority for fiscal year 1982 which will be adjusted in fiscal year 1983 (1982-83 volume) when final amounts become known (see table VIII on pp. 1390-1391, 1981-82 volume, for accounts involved).

[18] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $1,787,341,000 for fiscal year 1983; and $105,600,000 for fiscal year 1984 appropriated in fiscal year 1982, and rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Totals also *exclude* $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services ($6,914,793,000 included in 1980-81 volume). *Includes* authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 (1982-83 volume) when final amounts become known (see table VIII on pp. 1390-1391, 1981-82 volume, for accounts involved).

[19] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $5,919,703,000 for fiscal year 1984 and $85,000,000 for fiscal year 1985 requested in fiscal year 1983. Budget estimates *exclude* $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981-82 volume). See table VIII footnote 22 on p. 1535, 1982-83 volume, for accounts involved.

[20] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $6,976,000,000 for fiscal year 1984; and $130,000,000 for fiscal year 1985 appropriated in fiscal year 1983, and rescissions totaling $8,967,781,500 consisting of $2,888,815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Totals also *exclude* $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-82 volume). See table VIII footnote 22 on p. 1535, 1982-83 volume, for accounts involved.

[21] Totals adjusted to *exclude* interfund and intragovernmental transactions of $147,621,985,000 for fiscal year 1984—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $7,442,204,000 for fiscal year 1985 and $75,000,000 for fiscal year 1986 requested in fiscal year 1984. Budget estimates *exclude* $35,378,000 for fiscal year 1984 to liquidate "indefinite" budget authority requested in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7 on p. 1129, 1983-84 volume, for accounts involved.

[22] Totals adjusted to *exclude* interfund and intragovernmental transactions of $147,621,985,000 for fiscal year 1984—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $7,772,000,000 for fiscal year 1985 and $130,000,000 for fiscal year 1986 appropriated in fiscal year 1984, and rescissions totaling $4,616,128,000 consisting of $2,956,897,000 in regular annual appropriation acts and $1,659,231,000 in supplemental acts. Totals also *exclude* $323,000,000 appropriated in fiscal year 1984 to liquidate "indefinite" budget authority provided in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7 on p. 1129, 1983-84 volume, for accounts involved.

[23] Totals adjusted to *exclude* interfund and intragovernmental transactions of $183,164,276,000 for fiscal year 1985—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $10,568,609,000 for fiscal year 1986 and $100,000,000 for fiscal year 1987 requested in fiscal year 1985. Budget estimates *exclude* $36,786,000 for fiscal year 1985 to liquidate "indefinite" budget authority requested in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984-85 volume, for accounts involved.

[24] Totals adjusted to *exclude* interfund and intragovernmental transactions of $183,164,276,000 for fiscal year 1985—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $10,885,169,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987 appropriated in fiscal year 1985, and rescissions totaling $10,539,178,000 consisting of $10,129,461,000 in regular annual appropriation acts and $409,717,000 in supplemental acts. Totals also *exclude* $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984-85 volume, for accounts involved.

[25] Totals adjusted to *exclude* interfund and intragovernmental transactions of $192,612,025,000 for fiscal year 1986—see par. 4, "Compilers' Notes", p. IV. Budget estimates *includes* $11,473,754,000 for fiscal year 1987 and $214,000,000 for fiscal year 1988 requested in fiscal year 1986. Budget estimates *exclude* $809,573,000 for fiscal year 1986 to liquidate "indefinite" budget authority requested in fiscal year 1985 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5 on p. 1756, 1985-86 volume, for accounts involved.

[26] Totals adjusted to *exclude* interfund and intragovernmental transactions of $192,612,025,000 for fiscal year 1986—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $11,493,754,000 for fiscal year 1987 and $214,000,000 for fiscal year 1988 appropriated in fiscal year 1986, and rescissions totaling $8,555,956,000 consisting of $7,815,000,000 in regular annual appropriation acts including continuing resolutions and $740,956,000 in supplemental acts. Totals also *exclude* $1,329,834,000 appropriated in fiscal year 1986 to liquidate "indefinite" budget authority provided in fiscal year 1985 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1756, 1985-86 volume, for accounts involved.

[27] Totals adjusted to *exclude* interfund and intragovernmental transactions of $194,691,075,000 for fiscal year 1987—see par. 6, "Compilers' Notes", p. IV. Budget estimates includes $12,819,065,000 for fiscal year 1988 and $292,000,000 for fiscal year 1989 requested in fiscal year 1987.

[28] Totals adjusted to *exclude* interfund and intragovernmental transactions of $194,691,075,000 for fiscal year 1987—see par. 6, "Compilers' Notes", p. IV. Appropriations figure *includes* $12,852,265,000 for fiscal year 1988 and $452,000,000 for fiscal year 1989 appropriated in fiscal year 1987, and rescissions totaling $19,277,677,000 consisting of $6,281,753,000 in regular annual appropriation acts including continuing resolutions and $12,995,924,000 in supplemental acts.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS

[Note.—As explained in par. 7. "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
42d Cong., 2d sess., fiscal year 1873 and prior years	$330,546,360		$330,546,360
42d Cong., 3d sess., fiscal year 1874 and prior years	344,535,209		344,535,209
43d Cong., 1st sess., fiscal year 1875 and prior years	330,441,844		330,441,844
43d Cong., 2d sess., fiscal year 1876 and prior years	322,013,149		322,013,149
44th Cong., 1st sess., fiscal year 1877 and prior years	299,150,125		299,150,125
44th Cong., 2d sess., fiscal year 1878 and prior years	291,220,477		291,220,477
45th Cong., 1st and 2d sess., fiscal year 1879 and prior years	317,924,555		317,924,555
45th Cong., 3d sess., and 46th Cong., 1st sess., fiscal year 1880 and prior years	338,865,031		338,865,031
46th Cong., 2d sess., fiscal year 1881 and prior years	332,791,077		332,791,077
46th Cong., 3d sess., fiscal year 1882 and prior years	361,922,068		361,922,068
47th Cong., 1st sess., fiscal year 1883 and prior years	423,827,294		423,827,294
47th Cong., 2d sess., fiscal year 1884 and prior years	349,463,261		349,463,261
48th Cong., 1st sess., fiscal year 1885 and prior years	306,077,470		306,077,470
48th Cong., 2d sess., fiscal year 1886 and prior years	344,504,413		344,504,413
49th Cong., 1st sess., fiscal year 1887 and prior years	383,245,914		383,245,914
49th Cong., 2d sess., fiscal year 1888 and prior years	365,430,333		365,430,333
50th Cong., 1st sess., fiscal year 1889 and prior years	422,867,168		422,867,168
50th Cong., 2d sess., fiscal year 1890 and prior years	395,430,284		395,430,284
51st Cong., 1st sess., fiscal year 1891 and prior years	463,383,480		463,383,480
51st Cong., 2d sess., fiscal year 1892 and prior years	524,381,816		524,381,816
52d Cong., 1st sess., fiscal year 1893 and prior years	507,376,398		507,376,398
52d Cong., 2d sess., fiscal year 1894 and prior years	519,535,293		519,535,293
53d Cong., 1st and 2d sess., fiscal year 1895 and prior years	492,477,460		492,477,460

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
53d Cong., 3d sess., fiscal year 1896 and prior years	$496,982,585		$496,982,585
54th Cong., 1st sess., fiscal year 1897 and prior years	515,852,380		515,852,380
54th Cong., 2d sess. and 55th Cong., 1st sess., fiscal year 1898 and prior years	528,735,878		528,735,878
55th Cong., 2d sess., fiscal year 1899 and prior years	892,656,776		892,656,776
55th Cong., 3d sess., fiscal year 1900 and prior years	698,912,893		698,912,893
56th Cong., 1st sess., fiscal year 1901 and prior years	705,653,298		705,653,298
56th Cong., 2d sess., fiscal year 1902 and prior years	730,241,863		730,241,863
57th Cong., 1st sess., fiscal year 1903 and prior years	801,682,773		801,682,773
57th Cong., 2d sess., fiscal year 1904 and prior years	752,741,659		752,741,659
58th Cong., 1st and 2d sess., fiscal year 1905 and prior years	781,288,215		781,288,215
58th Cong., 3d sess., fiscal year 1906 and prior years	818,191,283		818,191,283
59th Cong., 1st sess., fiscal year 1907 and prior years	881,953,644		881,953,644
59th Cong., 2d sess., fiscal year 1908 and prior years	919,163,823		919,163,823
60th Cong., 1st sess., fiscal year 1909 and prior years	1,006,431,727		1,006,431,727
60th Cong., 2d sess., fiscal year 1910 and prior years	1,044,433,623		1,044,433,623
61st Cong., 1st and 2d sess., fiscal year 1911 and prior years	1,039,550,617		1,039,550,617
61st Cong. 3d sess., fiscal year 1912 and prior years	1,022,759,949		1,022,759,949
62d Cong., 1st and 2d sess., fiscal year 1913 and prior years	1,021,349,991		1,021,349,991
62d Cong., 3d sess., fiscal year 1914 and prior years	1,098,602,066		1,098,602,066
63d Cong., 1st and 2d sess., fiscal year 1915 and prior years	1,122,471,919		1,122,471,919
63d Cong., 3d sess., fiscal year 1916 and prior years	1,114,490,704		1,114,490,704
64th Cong., 1st sess., fiscal year 1917 and prior years	1,628,441,645		1,628,441,645
64th Cong., 2d sess. and 65th Cong., 1st sess., fiscal year 1918 and prior years	18,881,940,244		18,881,940,244
65th Cong., 2d sess., fiscal year 1919 and prior years	27,065,148,933		27,065,148,933
65th Cong., 3d sess. and 66th Cong., 1st sess., fiscal year 1920 and prior years	6,454,596,650		6,454,596,650
66th Cong., 2d sess., fiscal year 1921 and prior years	4,780,829,510		4,780,829,510
66th Cong., 3d sess., and 67th Cong., 1st sess. (to July 12, 1921), fiscal year 1922 and prior years	3,909,282,209		3,909,282,209

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938-68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
67th Cong., 1st sess. (from July 12, 1921), and 67th Cong., 2d sess. (to July 1, 1922), fiscal year 1923 and prior years	$4,248,140,570	....	$4,248,140,570
67th Cong., 2d sess. (from July 2, 1922), and 67th Cong., 3d sess. and 67th Cong., 4th sess., fiscal year 1924 and prior years	4,092,544,312	....	4,092,544,312
68th Cong., 1st sess., fiscal year 1925 and prior years	3,748,651,750	....	3,748,651,750
68th Cong., 2d sess., fiscal year 1926 and prior years	4,151,682,050	....	4,151,682,050
69th Cong., 1st sess., fiscal year 1927 and prior years	4,409,463,390	....	4,409,463,390
69th Cong., 2d sess., fiscal year 1928 and prior years	4,211,011,353	....	4,211,011,353
70th Cong., 1st sess., fiscal year 1929 and prior years	4,633,577,974	....	4,633,577,974
70th Cong., 2d sess., fiscal year 1930 and prior years	4,665,236,678	....	4,665,236,678
71st Cong., 1st and 2d sess., fiscal year 1931 and prior years	5,071,711,694	....	5,071,711,694
71st Cong., 3d sess., fiscal year 1932 and prior years	5,178,524,968	....	5,178,524,968
72d Cong., 1st sess., fiscal year 1933 and prior years	5,785,252,642	....	5,785,252,642
72d Cong., 2d sess. and 73d Cong., 1st sess., fiscal year 1934 and prior years	7,692,447,339	....	7,692,447,339
73d Cong., 2d sess., fiscal year 1935 and prior years	7,527,559,328	....	7,527,559,328
74th Cong., 1st sess., fiscal year 1936 and prior years	9,579,757,330	....	9,579,757,330
74th Cong., 2d sess., fiscal year 1937 and prior years	10,336,399,273	....	10,336,399,273
75th Cong., 1st sess., fiscal year 1938 and prior years	9,183,701,741	$172,473,242	9,356,174,983
75th Cong., 2d and 3d sess., fiscal year 1939 and prior years	10,338,996,190	1,022,819,464	11,361,815,654
76th Cong., 1st sess., fiscal year 1940 and prior years	11,447,634,077	1,904,152,417	13,351,786,494
76th Cong., 2d and 3d sess., fiscal year 1941 nd prior years	16,878,865,242	2,193,125,902	19,071,991,144
77th Cong., 1st sess., fiscal year 1942 and prior years	57,792,715,367	3,062,440,985	60,855,156,352
77th Cong., 2d sess., fiscal year 1943 and prior years to Oct. 31, 1942	147,071,208,962	3,861,678,074	150,932,887,036
78th Cong., 1st sess., fiscal year 1944 and prior years	114,564,008,595	4,642,328,744	119,206,337,339
78th Cong., 2d sess., fiscal year 1945 and prior fiscal years	67,614,266,775	6,749,006,538	74,363,273,313
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	69,780,137,110	6,662,202,694	76,442,339,804
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,734,209,165	4,653,376,295	40,387,585,460
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	35,982,887,708	5,487,396,936	41,470,284,644

See footnotes on pp. 3225-3226.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	$41,675,480,957	$5,480,063,813	$47,155,544,770
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	46,497,456,898	6,517,603,514	53,015,060,412
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	81,045,040,441	6,632,999,495	87,678,039,936
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	101,117,786,897	8,127,323,548	109,245,110,445
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	85,999,646,411	8,532,644,348	94,532,290,759
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	65,156,254,797	8,999,782,171	74,156,036,968
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	58,160,445,563	9,891,179,453	68,051,625,016
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	63,947,281,321	10,871,988,245	74,819,269,566
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	73,041,364,417	11,679,248,757	84,720,613,174
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,064,958,328	15,610,607,572	88,675,565,900
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,119,818,276	16,382,991,651	97,502,809,927
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	81,572,357,732	19,495,828,782	101,068,186,514
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	83,799,241,957	22,329,891,675	106,129,133,632
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	96,194,946,610	24,915,218,285	121,110,164,895
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	102,661,536,812	27,401,377,000	130,062,913,812
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	103,798,634,671	29,472,357,040	133,270,991,711
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	106,070,110,056	30,929,694,000	136,999,804,056
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	119,310,113,527	32,747,251,540	152,057,365,067
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	143,883,626,282	41,830,618,000	185,714,244,282
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	156,917,115,912	48,205,647,000	205,122,762,912
90th Cong., 2d sess., fiscal year 1969 and prior years	142,524,357,324	54,012,887,000	196,537,244,324
Consisting of:			
Regular annual and supplemental appropriation acts	*(133,339,868,734)*	....	*(133,339,868,734)*
Appropriations in legislative acts	*(2,999,227,590)*	....	*(2,999,227,590)*
Permanent appropriations	*(18,985,261,000)*	*(54,012,887,000)*	*(72,998,148,000)*
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*	....	*(−12,800,000,000)*

See footnotes on pp. 3225–3226.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	$146,628,658,494	$60,619,823,000	[2] $207,248,481,494
Consisting of:			
Regular annual and supplemental appropriation acts	*(134,431,463,135)*		*(134,431,463,135)*
Appropriations in legislative acts	*(4,680,127,359)*		*(4,680,127,359)*
Permanent appropriations	*(21,432,593,000)*	*(60,619,823,000)*	*(82,052,416,000)*
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*		*(−13,915,525,000)*
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	166,758,720,882	65,381,174,000	[2] 232,139,894,882
Consisting of:			
Regular annual and supplemental appropriation acts	*(144,273,528,504)*		*(144,273,528,504)*
Appropriations in legislative acts	*(18,039,291,378)*		*(18,039,291,378)*
Permanent appropriations	*(22,678,668,000)*	*(65,381,174,000)*	*(88,059,842,000)*
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*		*(−18,232,767,000)*
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	170,300,119,635	75,407,481,000	[2] 245,707,600,635
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(165,300,661,865)*		(165,300,661,865)
Appropriations in legislative acts	*(46,645,770)*		*(46,645,770)*
Permanent appropriations	*(25,357,210,000)*	*(75,407,481,000)*	*(100,764,691,000)*
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*		*(−20,404,398,000)*
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	[3] 193,474,986,934	91,307,552,000	[2] [3] 284,782,538,934
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[3] *(179,006,901,364)*		[3] *(179,006,901,364)*
Appropriations in legislative acts	*(11,200,404,169)*		*(11,200,404,169)*
Permanent appropriations	*(27,182,326,401)*	*(91,307,552,000)*	*(118,489,878,401)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*		*(−23,914,645,000)*
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	[4] 182,480,509,654	120,995,727,000	[2] [4] 303,476,236,654
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[4] *(174,902,319,304)*		[4] *(174,902,319,304)*
Appropriations in legislative acts	*(3,940,372,350)*	*(12,462,940,000)*	*(16,403,312,350)*
Permanent appropriations	*(40,895,808,000)*	*(108,532,787,000)*	*(149,428,595,000)*
Adjustments for interfund and intragovernmental transactions	*(−37,257,990,000)*		*(−37,257,990,000)*
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	[5] 268,304,872,427	121,736,261,000	[2] [5] 390,041,133,427
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(204,012,311,514)*		*(204,012,311,514)*
Appropriations in legislative acts	*(62,568,804,913)*	*(152,500,000)*	*(62,721,304,913)*
Permanent appropriations	*(45,447,732,000)*	*(121,583,761,000)*	*(167,031,493,000)*
Adjustments for interfund and intragovernmental transactions	*(−43,723,976,000)*		*(−43,723,976,000)*

See footnotes on pp. 3225–3226.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	$269,391,509,951	$130,721,852,000	$400,113,361,951
Transition period	49,782,823,499	33,623,231,000	83,406,054,499
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(262,194,919,839)*		*(262,194,919,839)*
Transition period	*(47,575,114,499)*		*(47,575,114,499)*
Rescission acts	*(−287,291,174)*		*(−287,291,174)*
Appropriations in legislative acts	*(10,627,079,286)*	*(−390,000,000)*	*(10,237,079,286)*
Transition period (net)	*(−8,570,000)*		*(−8,570,000)*
Permanent appropriations	*(51,122,943,000)*	*(131,111,852,000)*	*(182,234,795,000)*
Transition period	*(12,946,828,000)*	*(33,623,231,000)*	*(46,570,059,000)*
Adjustments for interfund and intragovernmental transactions	*(−54,266,141,000)*		*(−54,266,141,000)*
Transition period	*(−10,730,549,000)*		*(−10,730,549,000)*
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	288,220,964,880	156,443,836,000	444,664,800,880
Transition period	4,792,078,440	3,715,000,000	8,507,078,440
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(277,157,958,407)*	*(345,277,000)*	*(277,503,235,407)*
Transition period (net)	*(4,797,230,180)*	*(15,000,000)*	*(4,812,230,180)*
Rescission acts	*(−70,656,000)*		*(−70,656,000)*
Transition period	*(−5,175,000)*		*(−5,175,000)*
Appropriations in legislative acts	*(878,473)*	*(2,448,000,000)*	*(2,448,878,473)*
Transition period	*(23,260)*	*(3,700,000,000)*	*(3,700,023,260)*
Permanent appropriations	*(63,037,720,000)*	*(164,113,941,000)*	*(227,151,661,000)*
Adjustments for interfund and intragovernmental transactions	*(−51,904,936,000)*	*(−10,463,382,000)*	*(−62,368,318,000)*
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	360,785,368,842	166,545,104,667	527,330,473,509
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(353,317,494,116)*	*(696,536,667)*	*(354,014,030,783)*
Rescission acts	*(−807,640,000)*		*(−807,640,000)*
Appropriations in legislative acts	*(1,001,726)*		*(1,001,726)*
Permanent appropriations	*(56,830,073,000)*	*(178,384,983,000)*	*(235,215,056,000)*
Adjustments for interfund and intragovernmental transactions	*(−48,555,560,000)*	*(−12,536,415,000)*	*(−61,091,975,000)*
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	372,683,967,134	206,694,297,000	579,378,264,134
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(352,638,885,730)*	*(899,468,000)*	*(353,538,353,730)*
Rescission acts	*(−55,255,000)*		*(−55,255,000)*
Appropriations in legislative acts	*(7,325,404)*	*(19,591,200,000)*	*(19,598,525,404)*
Permanent appropriations	*(70,749,391,000)*	*(199,126,247,000)*	*(269,875,638,000)*
Adjustments for interfund and intragovernmental transactions	*(−50,656,380,000)*	*(−12,922,618,000)*	*(−63,578,998,000)*

See footnotes on pp. 3225–3226.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	[16] $408,773,914,474	$214,416,798,000	[2] [16] $623,190,712,474
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(386,521,933,291)*	*(1,616,823,000)*	[2] *(388,138,756,291)*
Rescission acts	*(−723,609,000)*	....	*(−723,609,000)*
Appropriations in legislative acts	*(1,183)*	....	*(1,183)*
Permanent appropriations	*(81,676,152,000)*	*(227,319,768,000)*	*(308,995,920,000)*
Adjustments for interfund and intragovernmental transactions	[17] *(−58,700,563,000)*	*(−14,519,793,000)*	*(−73,220,356,000)*
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	453,756,787,346	243,035,266,000	[2] [18] 696,792,053,346
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(432,276,712,344)*	*(1,488,909,000)*	[2] *(433,765,621,344)*
Rescission acts	....	....	....
Appropriations in legislative acts	*(843,002)*	....	*(843,002)*
Permanent appropriations	*(96,152,253,000)*	*(255,464,214,000)*	*(351,616,467,000)*
Adjustments for interfund and intragovernmental transactions	[19] *(−74,673,021,000)*	*(−13,917,857,000)*	*(−88,590,878,000)*
97th Cong., 1st sess.:			
Fiscal year 1982 and prior fiscal years	469,951,845,261	285,322,930,000	[2] [20] 755,274,775,261
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(434,404,409,261)*	*(2,432,533,000)*	[2] *(436,836,942,261)*
Rescission acts	....	....	....
Appropriations in legislative acts	....	....	....
Permanent appropriations	*(128,820,043,000)*	*(298,579,904,000)*	*(427,399,947,000)*
Adjustments for interfund and intragovernmental transactions	[21] *(−93,272,607,000)*	*(−15,689,507,000)*	*(−108,962,114,000)*
97th Cong., 2d sess.:			
Fiscal year 1983 and prior fiscal years	546,140,042,982	316,695,852,000	[2] [22] 862,835,894,982
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(504,216,739,060)*	*(2,984,843,000)*	*(507,201,582,060)*
Rescission acts	....	....	....
Appropriations in legislative acts	....	*(14,849,000,000)*	*(14,849,000,000)*
Private appropriation acts	*(66,922)*	....	*(66,922)*
Permanent appropriations	*(155,879,910,000)*	*(319,907,084,000)*	*(475,786,994,000)*
Adjustments for interfund and intragovernmental transactions	[23] *(−113,956,673,000)*	*(−21,045,075,000)*	*(−135,001,748,000)*

See footnotes on pp. 3225–3226.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[Note.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 99th Cong., 2d sess., are based on estimates in the February 1986 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session (1)	Federal funds (2)	Trust funds (3)	Total (4)
98th Cong., 1st sess.:			
Fiscal year 1984 and prior fiscal years	$599,648,521,722	$346,979,065,000	[2, 24] $946,627,586,722
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(547,336,540,104)*	*(2,381,369,000)*	*(549,717,909,104)*
Rescission acts			
Appropriations in legislative acts	*(23,000,000)*	*(25,319,000,000)*	*(25,342,000,000)*
Private appropriation acts	*(31,618)*		*(31,618)*
Permanent appropriations	*(173,040,153,000)*	*(346,149,478,000)*	*(519,189,631,000)*
Adjustments for interfund and intragovernmental transactions	[25] *(−120,751,203,000)*	*(−26,870,782,000)*	*(−147,621,985,000)*
98th Cong., 2d sess.:			
Fiscal year 1985 and prior fiscal years	602,424,350,066	394,603,459,000	[2, 26] 997,027,809,066
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(556,131,053,986)*	*(4,496,471,000)*	*(560,627,524,986)*
Rescission acts			
Appropriations in legislative acts	*(75,000,000)*	*(135,000,000)*	*(210,000,000)*
Private appropriation acts	*(169,080)*		*(169,080)*
Permanent appropriations	*(202,168,366,000)*	*(417,186,025,000)*	*(619,354,391,000)*
Adjustments for interfund and intragovernmental transactions	[27] *(−155,950,239,000)*	*(−27,214,037,000)*	*(−183,164,276,000)*
99th Cong., 1st sess.:			
Fiscal year 1986 and prior fiscal years	661,596,011,087	424,527,581,000	[2, 28] 1,086,123,592,087
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(571,872,788,087)*	*(6,166,014,000)*	*(578,038,802,087)*
Rescission acts			
Appropriations in legislative acts	*(2,258,000,000)*	*(−182,000,000)*	*(2,076,000,000)*
Private appropriation acts			
Permanent appropriations	*(256,164,982,000)*	*(442,455,833,000)*	*(698,620,815,000)*
Adjustments for interfund and intragovernmental transactions	[29] *(−168,699,759,000)*	*(−23,912,266,000)*	*(−192,612,025,000)*
99th Cong., 2d sess.:			
Fiscal year 1987 and prior fiscal years	678,392,900,019	419,644,363,000	[2, 30] 1,098,037,263,019
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(569,172,325,494)*	*(3,325,907,000)*	*(572,498,232,494)*
Rescission acts			
Appropriations in legislative acts	*(1,642,000,000)*	*(1,654,000,000)*	*(3,296,000,000)*
Private appropriation acts	*(88,525)*		*(88,525)*
Permanent appropriations	*(264,669,029,000)*	*(452,264,988,000)*	*(716,934,017,000)*
Adjustments for interfund and intragovernmental transactions	[31] *(−157,090,543,000)*	*(−37,600,532,000)*	*(−194,691,075,000)*

See footnotes on pp. 3225–3226.

[1] Does not include appropriations from the receipts created by the increment resulting from the reduction in weight of the gold dollar under sec. 7 of the Gold Reserve Act of 1934 amounting to $2,000,000,000 for the Exchange Stabilization Fund and $135,299,557 for payment to the surplus of Federal Reserve banks. These appropriations did not affect the budget or the national debt and for that reason are not included.

[2] Total funds for the following years are qualified as indicated:

Congress and session	Funds for refunding internal revenue collections excluded	Funds for cumulative sinking fund for public debt retirement excluded	Includes funds for 1 year in advance of budget year
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	$4,708,950,000	$633,349,085	
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	5,402,200,000	633,349,085	
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	6,053,675,000	633,349,085	
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	5,986,825,000	680,849,085	
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	6,554,000,000	680,849,085	
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	6,235,134,000	680,849,085	
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	5,035,100,000	680,849,085	
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	6,243,000,000	680,849,085	$926,000,000
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	7,573,000,000	680,849,085	875,000,000
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	10,700,000,000	680,849,085	995,000,000
90th Cong., 2d sess., fiscal year 1969 and prior fiscal years	11,161,000,000	680,849,085	1,965,814,000
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	12,822,500,000	680,849,085	214,000,000
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	16,075,187,000	680,849,085	150,000,000
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	18,890,425,332	680,849,085	174,321,000
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	18,787,584,008	680,849,085	131,181,000
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	25,628,844,731	680,849,085	90,360,000
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	27,970,932,506	680,849,085	2,428,597,000
94th Cong., 1st sess., fiscal year 1976 and prior fiscal years	39,906,309,490	680,849,085	2,653,410,852
Transition period (July 1, 1977 – Sept. 30, 1976)	2,388,185,173		
94th Cong., 2d sess., fiscal year 1977 and prior fiscal years	33,566,777,877	680,849,085	[12] 813,249,779
95th Cong., 1st sess., fiscal year 1978 and prior fiscal years	36,178,035,326	680,849,085	[13] 152,000,000
95th Cong., 2d sess., fiscal year 1979 and prior fiscal years	39,324,935,206	680,849,085	[14] 15,125,500,000
96th Cong., 1st sess., fiscal year 1980 and prior fiscal years	41,350,321,605	680,849,085	[15] 334,000,000
96th Cong., 2d sess., fiscal year 1981 and prior fiscal years	53,504,051,402	680,849,085	[16] 338,000,000
97th Cong., 1st sess., fiscal year 1982 and prior fiscal years	62,249,552,530	680,849,085	[17] 1,892,941,000
97th Cong., 2d sess., fiscal year 1983 and prior fiscal years	73,405,943,810	680,849,085	[18] 7,106,000,000
98th Cong., 1st sess., fiscal year 1984 and prior fiscal years	87,800,770,203	680,849,085	[19] 7,902,000,000
98th Cong., 2d sess., fiscal year 1985 and prior fiscal years	84,561,228,427	680,849,085	[20] 11,085,169,000
99th Cong., 1st sess., fiscal year 1986 and prior fiscal years	84,560,151,594	680,849,085	[21] 11,707,754,000
99th Cong., 2d sess., fiscal year 1987 and prior fiscal years	92,600,828,378	680,849,085	[22] 13,304,265,000

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[3] Includes appropriations totaling $33,499,495,500 in continuing resolution (P.L. 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-1973 volume due to later estimates.

[4] Reflects rescissions totaling $212,412,000 of fiscal year 1973 appropriations. Does not reflect action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,999,000.

[5] Reflects rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427, 1974–1975 volume, for detail).

[6] Reflects rescissions totaling $702,291,174 consisting of $25,000,000 (Federal funds) in a regular annual appropriation act, $287,291,174 (Federal funds) in rescission acts, and $390,000,000 (trust funds) in a legislative act (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[7] Reflects rescissions of $14,400,000 in legislative acts (see table VIIIj on pp. 1259–1260, 1975–1976 volume, for detail).

[8] Consists of new budget (obligational) authority of $5,830,000 and rescissions of $14,400,000 (see table VIIIa on pp. 1230–1231, 1975–1976 volume, for detail).

[9] Reflects rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts (see table VIIIh, 1976–1977 volume, for detail).

[10] Reflects rescissions of $5,175,000 (see table VIIIh, 1976–1977 volume, for detail).

[11] Consists of $14,728,128,000 in Federal funds and $37,176,808,000 in interfund transactions.

[12] Reflects rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts (see table VIIIi, 1977–78 volume, for detail. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[13] Consists of $12,130,868,000 in Federal funds and $36,424,692,000 in interfund transactions.

[14] Includes $15,427,919,00, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and Related Agencies funded at the "current rate" under section 101(a) of the continuing resolution (Public Law 95–482) (see p. 319, 1978–79 volume). Budget estimates for these activities total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 14 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Reflects rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts (see table VIIIk, 1978–79 volume, for details). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[15] Consists of $13,158,914,000 in Federal funds and $37,497,466,000 in interfund transactions.

[16] Includes $1,146,946,000 excluded from the 1979–80 volume for programs for the Department of Health, Education and Welfare and related agencies funded at the "current rate" under section 101(c) of the further continuing resolution (Public Law 96–123, see p. 288, 1979–80 volume). Budget estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 16 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Reflects rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,000 in the budget rescission act (see table VIIIh 1979–80 volume). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. The amount for permanent contract authority is shown in the estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[17] Consists of $16,335,625,000 in Federal funds and $42,364,938,000 in interfund transactions.

[18] Reflects rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Excludes $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no amounts included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). Includes authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[19] Consists of $26,402,993,000 in Federal funds and $48,270,028,000 in interfund transactions.

[20] Reflects rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Excludes $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 for fiscal year 1981 carried in 1980-81 volume). Includes authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known (see table VIII on pp. 1390-1391, 1981-82 volume, for accounts involved).

[21] Consists of $34,835,543,000 in Federal funds and $58,437,064,000 in interfund transactions.

[22] Reflects rescissions totaling $8,967,781,500 consisting of $2,888,815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,615,600,000 for fiscal year 1982 carried in 1981-82 volume). See table VIII footnote 22, on p. 1535, 1982-83 volume, for accounts involved.

[23] Consists of $49,761,582,000 in Federal funds and $64,195,091,000 in interfund transactions.

[24] Reflects rescissions totaling $4,616,128,000 consisting of $2,956,897,000 in regular annual appropriation acts and $1,659,231,000 in supplemental acts. Excludes $323,000,000 appropriated in fiscal year 1984 to liquidate "indefinite" budget authority provided in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7, on p. 1129, 1983-84 volume, for accounts involved.

[25] Consists of $45,497,986,000 in Federal funds and $75,253,217,000 in interfund transactions.

[26] Reflects rescissions totaling $10,539,178,000 consisting of $10,129,461,000 in regular annual appropriation acts and $409,717,000 in supplemental acts. Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984-85 volume, for accounts involved.

[27] Consists of $43,371,844,000 in Federal funds and $112,578,395,000 in interfund transactions.

[28] Reflects rescissions totaling $8,555,956,000 consisting of $7,815,000,000 in regular annual appropriation acts including continuing resolutions and $740,956,000 in supplemental acts. Excludes $1,129,834,000 appropriated in fiscal year 1986 to liquidate "indefinite" budget authority provided in fiscal year 1985 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1756, 1985-86 volume, for accounts involved.

[29] Consists of $47,593,037,000 in Federal funds and $121,106,722,000 in interfund transactions.

[30] Reflects rescissions totaling $19,277,677,000 consisting of $6,281,753,000 in regular annual appropriation acts including continuing resolutions and $12,995,924,000 in supplemental acts.

[31] Consists of $43,206,536,000 in Federal funds and $113,884,007,000 in interfund transactions.

[32] Includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 (2 years in advance of budget year).

[33] This amount is for fiscal year 1980 (2 years in advance of budget year).

[34] Includes $5,136,500,000 for fiscal year 1980; $5,615,000,000 for fiscal year 1981; and $4,374,000,000 for fiscal year 1982.

[35] Includes $162,000,000 for fiscal year 1981 and $172,000,000 for fiscal year 1982 (2 years in advance of budget year).

[36] Includes $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 (2 years in advance of budget year).

[37] Includes $1,752,341,000 for fiscal year 1983 and $105,600,000 for fiscal year 1984 (2 years in advance of budget year).

[38] Includes $6,976,000,000 for fiscal year 1984 and $130,000,000 for fiscal year 1985 (2 years in advance of budget year).

[39] Includes $7,772,000,000 for fiscal year 1985 and $130,000,000 for fiscal year 1986 (2 years in advance of budget year).

[40] Includes $10,885,169,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987 (2 years in advance of budget year).

[41] Includes $11,493,754,000 for fiscal year 1987 and $214,000,000 for fiscal year 1988 (2 years in advance of budget year).

[42] Includes $12,852,265,000 for fiscal year 1988 and $452,000,000 for fiscal year 1989 (2 years in advance of budget year).

INDEX

A

Page

- ACTION:
  - Chronological history of regular annual and supplemental appropriation bills 3066
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135, 3157
  - Operating expenses 118
    - Drug supplemental 527
    - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3185
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049
- Administrative Conference of the United States:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3152
  - Salaries and expenses 487
- African Development Foundation 397
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3117
- Agriculture, Department of:
  - Administration, Office of the Assistant Secretary for 190
  - Advisory committees 190
  - Agricultural Cooperative Service 197
    - Administrative expenses, limitation on 198
    - Agricultural Marketing Service: Marketing services 198
    - Markets, income, and supply, funds for strengthening:
      - Section 32 (including transfers of funds) 198
      - States and possessions 198
  - Agricultural Marketing Service: Permanent appropriations—Federal funds 3019
  - Agricultural Research Service:
    - Buildings and facilities (including transfers of funds) 194
    - Including transfer of funds 193
    - Permanent appropriations—Trust funds 3034
  - Agricultural Stabilization and Conservation Service:
    - Agricultural conservation program 208
    - Colorado River basin salinity control program 210
    - Dairy indemnity program 200
    - Emergency conservation program 5
    - Forestry incentives program 209
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3081, 3099
    - Salaries and expenses (transfer of funds) 6, 199
    - Water bank program 210
  - Animal and Plant Health Inspection Service:
    - Buildings and facilities 197
    - Permanent appropriations—Trust funds 3034
    - Salaries and expenses (including transfers of funds) 196
  - Buildings operations and maintenance 190
  - Chronological history of regular annual and supplemental appropriation bills 3066
  - Commodity Credit Corporation 3
    - Avian influenza (transfer of funds) 7
    - Citrus canker (transfers of funds) 7
    - Cooperative State research service (transfer of funds) 7
    - Elderly feeding program 9
    - Export credit:
      - Intermediate 201
      - Short-term 201

Page

- Agriculture, Department of—Continued
  - Commodity Credit Corporation—Continued
    - General sales manager (including transfer of funds) 201
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3079, 3080, 3081
    - Permafrost soils from definition of "wetland", exclusion of 8
    - Permanent appropriations—Federal funds 3018
    - Reimbursement of net realized losses 7, 200
      - Urgent supplemental appropriations 1
    - Rural electrification and telephone systems, prepayment of loans by 8
    - Second urgent supplemental appropriations 3
  - Commodity Supplemental Food Program: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3081
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3195
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3169
  - Cooperative State Research Service 194
  - Departmental administration (including transfers of funds) 190
  - Economic Research Service 192
  - Economics, Office of the Assistant Secretary for 191
  - Extension Service: Including transfers of funds 195
  - Farmers Home Administration:
    - Agricultural credit insurance fund 203
    - Construction defects, compensation for 204
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3081
    - Mutual and self-help housing 203
    - Permanent appropriations—Federal funds 3018
    - Rural community fire protection grants 204
    - Rural development insurance fund 203
    - Rural housing for domestic farm labor 203
    - Rural housing insurance fund 6, 202
    - Rural housing preservation grants 204
    - Rural water and waste disposal grants 203
    - Salaries and expenses (including transfers of funds) 204
    - Self-help housing land development fund 6, 202
      - Deferrals of budget authority and outlays arranged by departments and establishments 3193
      - Disapproval of deferral 6
    - Very low-income housing repair grants 6, 203
  - Federal Crop Insurance Corporation:
    - Administrative and operating expenses 200
    - Fund 200
  - Federal Grain Inspection Service:
    - Inspection and weighing services: Limitation on inspection and weighing service expenses 197
    - Salaries and expenses 197
  - Food and Consumer Services, Office of the Assistant Secretary for 210
  - Food and Nutrition Service:
    - Child nutrition programs (including transfers of funds) 210
    - Commodity supplemental food program 212
      - Transfer of funds 7
    - Feeding program for women, infants and children [WIC] 6, 211
    - Food donations programs for selected groups 212
    - Food program administration 212
    - Food stamp program 212
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3081
    - Permanent appropriations:
      - Federal funds 3019
      - Trust funds 3035
    - Special milk program 211
    - Temporary emergency food assistance program 7, 212
  - Food Safety and Inspection Service 5, 197
    - Permanent appropriations—Trust funds 3035

Page

- Agriculture, Department of—Continued
  - Foreign Agricultural Service, 213
  - Forest Service:
    - Administrative provisions, 28, 442
    - Comparison of appropriations by departments and establishments, 3051
    - Construction, 28, 44
    - Forest research, 439
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3088, 3126
    - Land acquisition, 28, 441
    - Land exchanges, acquisition of lands to complete, 441
    - Lands for national forests, acquisition of: Special acts, 441
    - Miscellaneous trust funds, 442
    - National Forest System, 28, 440
    - Permanent appropriations—Federal funds, 3019
    - Recapitulation of appropriations by acts, irrespective of fiscal years, 3048
    - Range betterment fund, 441
    - State and private forestry, 28, 440
    - Timber salvage sales (disapproval of deferral), 28
      - Deferrals of budget authority and outlays arranged by departments and establishments, 3193
  - General Counsel, Office of the, 191
  - General provisions, 215
  - Governmental and Public Affairs, Office of, 191
  - Governmental and Public Affairs, Office of the Assistant Secretary for, 191
  - Human Nutrition Information Service, 213
  - Inspector General, Office of the, 191
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3079, 3080, 3081, 3088
  - International Affairs and Commodity Programs, Office of the Under Secretary for, 199
  - International Cooperation and Development, Office of, 214
    - Permanent appropriations—Trust funds, 3034
    - Scientific activities overseas (foreign currency program), 214
  - Marketing and Inspection Services, Office of the Assistant Secretary for, 196
  - National Agricultural Library, 196
  - National Agricultural Statistics Service, 192
  - Natural Resources and Environment, Office of the Assistant Secretary for, 206
  - Packers and Stockyards Administration, 5, 199
    - Dairy indemnity program, 6
  - Public Law 480 (including transfers of funds), 213
  - Rental payments (including transfers of funds), 190
  - Rural Electrification Administration:
    - Permanent appropriations—Federal funds, 3018
    - Rural communication development fund, 206
    - Rural electrification and telephone revolving fund:
      - Loan authorizations, 205
      - Reimbursement to the, 205
    - Rural telephone bank, 205
    - Salaries and expenses, 206
  - Science and Education, Office of the Assistant Secretary for, 193
  - Secretary, Office of the, 189
    - Permanent appropriations—Trust funds, 3034
  - Small Community and Rural Development, Office of the Under Secretary for, 202
  - Soil Conservation Service:
    - Conservation operations, 206
    - Great Plains conservation program, 208
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3081, 3099
    - Permanent appropriations—Trust funds, 3034
    - Resource conservation and development, 208
    - River basin surveys and investigations, 207
    - Watershed and flood prevention operations, 5, 207
    - Watershed planning, 207
  - Statistical Reporting Service:
    - Permanent appropriations—Trust funds, 3034
  - Transportation, Office of, 198
  - Working capital fund, 191
  - World Agricultural Outlook Board, 192

Page

- Agriculture, Rural Development, and Related Agencies appropriation bill, 1987 47
  - Acts relating to:
    - Food Security Act of 1985 575
    - Food Security Improvements Act of 1986 577
    - Rural Industrial Assistance Act of 1986 586
    - To delay the referendum with respect to the 1986 through 1988 crops of Flue-cured tobacco and to delay the proclamation of national marketing quotas for the 1986 through 1988 crops of Burley tobacco 575
  - Agricultural programs:
    - Chronological history of regular annual and supplemental appropriation bills 3060
    - Comparison of appropriations by departments and establishments 3051
    - Corporations: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3094
    - Domestic food programs: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3097
    - Farm income stabilization: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3094
    - International programs: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3098
    - Production, processing and marketing: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3093
    - Recapitulation of appropriations by acts, irrespective of fiscal years 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority 3159, 3162
    - Rural development programs:
      - Conservation: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3097
      - Rural development assistance: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3094
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3075
  - Chronological history of regular annual and supplemental appropriation bills 3060, 3064
  - Comparison of appropriations by departments and establishments 3051
  - Domestic food programs:
    - Chronological history of regular annual and supplemental appropriation bills 3060
    - Comparison of appropriations by departments and establishments 3051
    - Recapitulation of appropriations by acts, irrespective of fiscal years 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority 3159
  - International programs:
    - Chronological history of regular annual and supplemental appropriation bills 3060
    - Comparison of appropriations by departments and establishments 3051
    - Recapitulation of appropriations by acts, irrespective of fiscal years 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority 3159
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3093, 3154
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3047, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3159
  - Rural development programs:
    - Chronological history of regular annual and supplemental appropriation bills 3060
    - Comparison of appropriations by departments and establishments 3051
    - Recapitulation of appropriations by acts, irrespective of fiscal years 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority 3159
- American Battle Monuments Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3086, 3121
  - Permanent appropriations—Trust funds 3043
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3048
  - Salaries and expenses 23, 67
- Appalachian Regional Commission 386
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3114
  - Permanent appropriations—Trust funds 3043
- Appropriations made during the second session of the Ninety-ninth Congress in regular annual, supplemental, continuing, and miscellaneous appropriation acts; rescission acts; deferral resolutions and major acts authorizing appropriations 1
- Architectural and Transportation Barriers Compliance Board:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3149
  - Salaries and expenses 161
- Arms Control and Disarmament Agency:
  - Arms control and disarmament activities 251

Page

Arms Control and Disarmament Agency—Continued
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3104
Art, National Gallery of: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
Arts and the Humanities, National Foundation on the:
  Administrative provisions 453
  Arts, National Endowment for the:
    Grants and administration 451
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
    Matching grants 452
  Humanities, National Endowment for the:
    Grants and administration 452
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
    National Capital arts and cultural affairs 452
    Matching grants 452
  Museum Services, Institute of:
    Grants and administration 453
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
  National Capital Arts and Cultural Affairs 452
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
  Permanent appropriations—Trust funds 3043
Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3075
Aviation Safety Commission:
  Chronological history of regular annual and supplemental appropriation bills 3066
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3158
  Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3163

B

Barry Goldwater Scholarship and Excellence in Education Fund 284
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3109
Bilateral economic assistance:
  Agency for International Development 392
    Drug supplemental 525
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3117, 3156
  Chronological history of regular annual and supplemental appropriation bills 3062
  Funds appropriated to the President 392
  International Fund for Northern Ireland and Ireland (transfers of funds) 20
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3084, 3117
  Recapitulation of appropriations by acts, irrespective of fiscal years 3047
  Recapitulation of itemized estimates and new budget (obligational) authority 3160
Blind and Other Severely Handicapped, Committee for Purchase From the:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3152
  Salaries and expenses 487
Board for International Broadcasting:
  Grants and expenses 13, 251
  Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3185
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3083, 3104
Budget and reconciliation acts:
  Acts relating to:
    Consolidated Omnibus Budget Reconciliation Act of 1985 589
    Omnibus Budget Reconciliation Act of 1986 860
  Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3075
Building Sciences, National Institute of: Permanent appropriations—Trust funds 3043

Page

C

- Central Intelligence Agency retirement and disability system fund ... 283
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3109
- Child Abuse Victims' Rights Act of 1986 ... 260
- Christopher Columbus Quincentenary Jubilee Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3104
  - Salaries and expenses ... 251
- Chronological history of regular annual and supplemental appropriation bills ... 3060
- Civil Rights, Commission on:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3104
  - Salaries and expenses ... 252
- Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill, 1987 ... 49
  - Acts relating to:
    - Federal Technology Transfer Act of 1986 ... 1041
    - National Bureau of Standards Authorization Act for Fiscal Year 1987 ... 1052
    - To amend certain provisions of the law regarding the fisheries of the United States, and for other purposes ... 1058
    - To authorize appropriations to carry out the Export Administration Act of 1979 and export promotion activities ... 1058
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress ... 3075
  - Chronological history of regular annual and supplemental appropriation bills ... 3060, 3064
  - General provisions ... 259
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100, 3154
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority ... 3159, 3162
- Commerce, Department of:
  - Administrative provisions ... 10
  - Census, Bureau of the:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    - Periodic censuses and programs ... 227
    - Salaries and expenses ... 227
  - Chronological history of regular annual and supplemental appropriation bills ... 3060, 3066
  - Comparison of appropriations by departments and establishments ... 3051
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3195
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies ... 3177
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments ... 3169
  - Economic and statistical analysis:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    - Permanent appropriations—Trust funds ... 3035
    - Salaries and expenses ... 227
  - Economic Development Administration:
    - Economic development assistance programs ... 227
      - Deferrals of budget authority and outlays arranged by departments and establishments ... 3193
      - Including disapproval of deferral ... 9
      - Salaries and expenses ... 228
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3100, 3155
  - General administration:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    - Permanent appropriations—Trust funds ... 3035
    - Salaries and expenses ... 227
  - General provisions ... 231
  - International Trade Administration:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    - Operations and maintenance (including rescission) ... 228
    - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189

Page
Commerce, Department of—Continued
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3100
  Minority Business Development Agency:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    Minority business development ... 229
  National Bureau of Standards:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3101
    Scientific and technical research and services ... 231
  National Oceanic and Atmospheric Administration:
    Fishermen's contingency fund ... 230
    Fishermen's guaranty fund ... 231
    Foreign fishing observer fund ... 230
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3100
    Operations, research, and facilities ... 9
      Including transfers of funds ... 230
    Permanent appropriations—Federal funds ... 3020
  National Telecommunications and Information Administration:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3101
    Public telecommunications facilities, planning and construction ... 231
    Salaries and expenses ... 231
  Patient and Trademark Office:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    Salaries and expenses ... 231
  Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority ... 3159, 3162
  Regional development programs:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    Rescission ... 228
    Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189
  U.S. Travel and Tourism Administration:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3100
    Salaries and expenses ... 229
Commodity Futures Trading Commission ... 215
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3098
Comparison of appropriations by departments and establishments ... 3051
Comparison of budget estimates and appropriations to liquidate contract authorizations ... 3073
Comparison of budget estimates and contract authorizations carried in appropriation acts ... 3071
Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts ... 3069
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies ... 3177
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments ... 3169
Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3195
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies ... 3179
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1989, arranged by agencies ... 3181
Comprehensive Education of Intercollegiate Athletes, Advisory Commission on the: Chronological history of regular annual and supplemental appropriation bills ... 3066
Constitution, Commission on the Bicentennial of the United States:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3104
  Salaries and expenses ... 251
Constitutional law resource centers: Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies ... 3179
Consumer Affairs, Office of: Recapitulation of appropriations by acts, irrespective of fiscal years ... 3048
Consumer Information Center: Recapitulation of appropriations by acts, irrespective of fiscal years ... 3048

Page

- Consumer Product Safety Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3121
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3048
  - Salaries and expenses 67
- Continuing appropriations, 1987 177
  - Chronological history of regular annual and supplemental appropriation bills 3064
- Customs Service, United States:
  - Air Interdiction Program, operation and maintenance 40
  - Salaries and expenses 40

D

- Defense appropriation bill, 1987 51
  - Acts relating to:
    - Defense Production Act Amendments of 1986 1189
    - Goldwater-Nicholas Department of Defense Reorganization Act of 1986 1115
    - Intelligence Authorization Act for Fiscal Year 1987 1190
    - Military Retirement Reform Act of 1986 1091
    - National Defense Authorization Act for Fiscal Year 1987 1204
    - To extend until June 30, 1986, the date on which certain limitations become effective with respect to obligations that may be made from the Military Personnel accounts of the Department of Defense for fiscal year 1986 1091
  - Arms control 354
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3075
  - Chronological history of regular annual and supplemental appropriation bills 3060, 3064
  - Defense acquisition improvement 311
  - General provisions 284
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3107, 3154
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3047, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3159, 3162
- Defense, Department of:
  - Administrative provisions 15, 19
  - Air Force, Department of the:
    - Comparison of appropriations by departments and establishments 3051
    - Military: Permanent appropriations—Trust funds 3035, 3036
    - Military personnel 268
    - National Guard personnel 270
    - Operation and maintenance 271
      - Drug supplemental 528
    - Procurement:
      - Aircraft procurement 15, 278
      - Missile procurement (transfer of funds) 15, 279
      - Other procurement (rescission) 15, 280
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3189, 3190
    - Research, development, test and evaluation (transfer of funds) 15, 281
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
    - Reserve personnel 269
  - Air Force Reserve: Operation and maintenance 272
  - Air National Guard: Operation and maintenance 272
  - Appropriations, authorization of certain unauthorized:
    - Operation and maintenance 17
    - Research and development 16
  - Army, Department of the:
    - Cemeterial expenses: Recapitulation of appropriations by acts, irrespective of fiscal years 3048
    - Comparison of appropriations by departments and establishments 3051
    - Military personnel 268
    - National Guard personnel 269
    - Operation and maintenance 270
    - Procurement:
      - Aircraft procurement 274
        - Drug supplemental 528
      - Ammunition, procurement of 275
      - Missile procurement 275

Page

- Defense, Department of—Continued
  - Army, Department of the—Continued
    - Procurement—Continued
      - Other procurement 275
      - Procurement of weapons and tracked combat vehicles (rescission) 14
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3189
      - Weapons and tracked combat vehicles, procurement of 275
    - Research, development, test, and evaluation 281
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
    - Reserve personnel 269
  - Army National Guard: Operation and maintenance 272
  - Army Reserve: Operation and maintenance 271
  - Chemical agents and munitions destruction, defense 283
    - Chronological history of regular annual and supplemental appropriation bills 3060
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3108
    - Recapitulation of appropriations by acts, irrespective of fiscal years 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority 3160
  - Civil:
    - Administrative provision 19
    - Army, Department of the:
      - Cemeterial expenses:
        - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3121
        - Salaries and expenses 68
      - Corps of Engineers—Civil 371
        - Administrative provisions 373
        - Construction, general 18, 371
        - Flood control and coastal emergencies 19, 372
        - General expenses 373
          - Transfer of funds 19
        - General investigations 371
        - General provisions 374
        - Operation and maintenance, general 373
        - Permanent appropriations:
          - Federal funds 3020
          - Trust funds 3036
        - Revolving fund 373
          - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3084, 3113
    - Chronological history of regular annual and supplemental appropriation bills 3060
    - Comparison of appropriations by departments and establishments 3051
    - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3196
    - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
    - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3170
    - Education benefits: Permanent appropriations—Trust funds 3036
    - Forest and wildlife conservation, military reservations: Permanent appropriations—Federal funds 3021
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3084, 3113, 3121
    - Military retirement:
      - Permanent appropriations:
        - Federal funds 3020
        - Trust funds 3036
    - Recapitulation of appropriations by acts, irrespective of fiscal years 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority 3160
  - Chronological history of regular annual and supplemental appropriation bills 3066
  - Claims, Defense 273
  - Comparison of appropriations by departments and establishments 3051
  - Defense agencies:
    - Operation and maintenance 271
    - Procurement 280

Page
Defense, Department of—Continued
  Defense agencies—Continued
    Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
    Research, development, test, and evaluation 281
  Director of developmental test and evaluation, Defense: Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
  Environmental restoration, Defense (including transfer of funds) 274
  Humanitarian assistance (including transfer of funds) 274
  Marine Corps:
    Military personnel 268
    Operation and maintenance 14, 271
    Procurement 278
    Reserve personnel 269
  Marine Corps Reserve: Operation and maintenance 272
  Military:
    Comparison of appropriations by departments and establishments 3051
    Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3196
    Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
    Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3170
    Family housing: Permanent appropriations—Federal funds 3020
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3083
    Procurement: Coastal defense augmentation (transfer of funds) 14
    Revolving and management funds:
      ADP equipment management fund (including rescission) 15
        Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3189
      Permanent appropriations—Federal funds 3020
    Tenth International Pan American Games (including rescission) 14
  Military Appeals, Court of, Defense 273
  Military personnel:
    Chronological history of regular annual and supplemental appropriation bills 3060
    Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3196
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3107
    Recapitulation of appropriations by acts, irrespective of fiscal years 3047
    Recapitulation of itemized estimates and new budget (obligational) authority 3159
  National Board for the Promotion of Rifle Practice, Army 273
  Navy, Department of the:
    Aircraft procurement 276
      Drug supplemental 528
    Comparison of appropriations by departments and establishments 3051
    Military: Permanent appropriations—Trust funds 3035
    Military personnel 268
    Operation and maintenance 270
      Drug supplemental 528
    Other procurement 277
      Drug supplemental 528
    Procurement:
      Shipbuilding and conversion (rescission) 60
      Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3189, 3190
    Research, development, test, and evaluation 281
      Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
    Reserve personnel 269
    Shipbuilding and conversion 277
    Weapons procurement 276
    National Guard and Reserve equipment: Procurement 280
  Navy Reserve: Operation and maintenance 272
  Operation and maintenance:
    Chronological history of regular annual and supplemental appropriation bills 3060

- Defense, Department of—Continued
  - Operation and maintenance—Continued
    - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3196
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3083, 3107, 3158
    - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority ... 3159
  - Procurement:
    - Chronological history of regular annual and supplemental appropriation bills ... 3060
    - Coastal defense augmentation: Procurement ... 278
    - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3196
    - Defense Production Act purchases ... 280
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3083, 3107, 3158
    - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority ... 3159
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3049
  - Research, development, test, and evaluation:
    - Chronological history of regular annual and supplemental appropriation bills ... 3060
    - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3196
    - Defense:
      - Developmental test and evaluation ... 282
      - Operational test and evaluation ... 282
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3084, 3108
    - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority ... 3159
  - Revolving and management funds:
    - Air Force stock fund ... 283
    - Army stock fund ... 283
    - Chronological history of regular annual and supplemental appropriation bills ... 3060
    - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3197
    - Defense stock fund ... 283
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3084, 3108
    - Marine Corps stock fund ... 283
    - Navy stock fund ... 283
    - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority ... 3160
  - Special Foreign Currency Program ... 283
    - Chronological history of regular annual and supplemental appropriation bills ... 3060
    - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3197
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3108
    - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047
    - Recapitulation of itemized estimates and new budget (obligational) authority ... 3159
  - Tenth International Pan American Games ... 273
    - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189
- Deferral resolutions ... 573
- Deferrals of budget authority and outlays arranged by departments and establishments ... 3193
- Delaware River Basin Commission:
  - Contribution to ... 386
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3114
  - Salaries and expenses ... 386
- District of Columbia appropriation bill, 1987 ... 53
  - Acts relating to:
    - District of Columbia Judicial Efficiency and Improvement Act of 1986 ... 1438
    - Extending the waiver authority of the District of Columbia Revenue Bond Act of 1985 to certain revenue bond acts of the District of Columbia, and for other purposes ... 1437
  - Adjustments:
    - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189

Page

District of Columbia appropriation bill, 1987—Continued
- Adjustments—Continued
  - Supplemental, fiscal year 1986 ... 370
- Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress ... 3075
- Cable television enterprise fund ... 364
- Capital outlay ... 363
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3111
  - Supplemental, fiscal year 1986 ... 370
- Chronological history of regular annual and supplemental appropriation bills ... 3060, 3064
- Comparison of appropriations by departments and establishments ... 3052
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3198
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies ... 3177
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments ... 3170
- Criminal justice initiative ... 358
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies ... 3179
- Economic development and regulation ... 359
  - Supplemental, fiscal year 1986 ... 369
- Enterprise funds: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3111
- Expenses, division of ... 358
- Federal funds: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3111
- Federal payment to the ... 357
  - Summary of estimates not considered, by fiscal years, arranged by departments and establishments ... 3185
- General fund deficit, repayment of ... 362
- General provisions ... 365, 370
- Governmental direction and support ... 358
  - Supplemental, fiscal year 1986 ... 369
- Human support services ... 361
  - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189
  - Supplemental, fiscal year 1986 ... 369
- Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3111, 3154
- Loans and interest, repayment of ... 362
  - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189
  - Supplemental, fiscal year 1986 ... 370
- Lottery and charitable games enterprise fund ... 364
- Operating expenses: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3111
- Personal services:
  - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189
  - Supplemental, fiscal year 1986 ... 370
- Public education system ... 361
  - Supplemental, fiscal year 1986 ... 369
- Public safety and justice ... 359
  - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3189
  - Supplemental, fiscal year 1986 ... 369
- Public works ... 362
  - Supplemental, fiscal year 1986 ... 369
- Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047, 3049
- Recapitulation of itemized estimates and new budget (obligational) authority ... 3160, 3162
- Retirement funds, Federal contribution to ... 358
- Saint Elizabeths Hospital, transitional payment for ... 358
- Short-term borrowings ... 363
- Washington Convention Center fund ... 362
  - Supplemental, fiscal year 1986 ... 369
- Water and sewer enterprise fund ... 364

District of Columbia appropriation bill, 1987—Continued
  Water and sewer enterprise fund—Continued
    Supplemental, fiscal year 1986 370
  Water and sewer services, Federal payment for 357

E

Education, Department of:
  Acts relating to:
    Education of the Deaf Act of 1986 1447
    Education of the Handicapped Act Amendments of 1986 1460
    Student Financial Assistance Technical Corrections Act of 1986 1445
    To amend the Carl D. Perkins Vocational Education Act with respect to State allotments under the Act 1446
    To authorize the Board of Regents of the Smithsonian Institution to construct the Charles McC. Mathias, Jr. Laboratory for Environmental Research in Edgewater, Maryland, and to designate the United States Courthouse and Customhouse in Louisville, Kentucky, as the "Gene Snyder United States Courthouse and Customhouse" 1790
    To authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes 1459
    Higher Education Amendments of 1986 1488
  Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3075
  Bilingual education 114
  Chronological history of regular annual and supplemental appropriation bills 3062, 3066
  College housing loans 116
  Comparison of appropriations by departments and establishments 3052
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3199
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3170
  Departmental management:
    Civil Rights, Office for 117
    Inspector General, Office of the 117
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
    Salaries and expenses 117
  Disadvantaged, compensatory education for the 112
  Educational Research and Improvement, Office of: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Educational research and statistics 116
  Elementary and Secondary Education, Office of:
    Indian education 449
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3127, 3134
    Special programs 3185
  General provisions 117
  Guaranteed student loans 115
  Handicapped, education for the 114
  Higher education 115
  Higher education facilities loans and insurance 115
  Impact aid 33, 112
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3089, 3155, 3157
  Libraries 116
  Postsecondary Education, Office of: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3134
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3161, 3162
  Rehabilitation services and handicapped research 34, 114
  Special Education and Rehabilitative Services, Office of:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3134
    Permanent appropriations—Trust funds 3036
  Special institutions:
    American Printing House for the Blind 117

Page

- Education, Department of—Continued
  - Special institutions—Continued
    - Gallaudet College 117
    - Howard University 117
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
    - National Technical Institute for the Deaf 117
  - Special programs 113
    - Drug supplemental 526
  - Student financial assistance 34, 114
  - Vocational and adult education 114
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3134
    - Permanent appropriations—Federal funds 3021
- Education for the Deaf, Commission on:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  - Salaries and expenses 119
- Energy and water development appropriation bill, 1987 55
  - Chronological history of regular annual and supplemental appropriation bills 3060, 3064
  - General provisions 388
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3113, 3154
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3047, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3160, 3162
- Energy, Department of:
  - Administrative provisions 446
  - Atomic energy defense activities 381
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3084
    - Transfer of funds 19
  - Chronological history of regular annual and supplemental appropriation bills 3060
  - Clean coal technology 443
  - Comparison of appropriations by departments and establishments 3052
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3199
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3171
  - Departmental administration 382
  - Energy conservation (disapproval of deferral) 30
    - Deferrals of budget authority and outlays arranged by departments and establishments 3193
  - Energy programs:
    - Permanent appropriations:
      - Federal funds 3021
      - Trust funds 3036
  - Energy supply, research and development activities:
    - Deferrals of budget authority and outlays arranged by departments and establishments 3193
    - Disapproval of deferral 19
    - Including transfer of funds 380
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3084
  - Fossil energy research and development:
    - Deferrals of budget authority and outlays arranged by departments and establishments 3193
    - Disapproval of deferral 30
    - Economic regulation 446
    - Emergency preparedness 446
    - Energy conservation 445
    - Energy Information Administration 446
    - Naval petroleum and oil shale reserves 445
    - Strategic petroleum reserve 446
    - Transfer of funds, including 444
  - General provisions 384
  - General science and research activities 381
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3084, 3088, 3113, 3127
  - Nuclear waste disposal fund 381
  - Power marketing administrations:
    - Alaska Power Administration: Operation and maintenance 382
    - Bonneville Power Administration fund 382

Page

- Energy, Department of—Continued
  - Power marketing administrations—Continued
    - Federal Energy Regulatory Commission:
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3114
      - Salaries and expenses 383
    - Geothermal resources development fund 384
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3114
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3114
    - Permanent appropriations—Federal funds 3021
    - Southeastern Power Administration, operation and maintenance 383
    - Southwestern Power Administration, operation and maintenance 383
    - Western Area Power Administration, construction, rehabilitation, operation and maintenance 383
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3047, 3048
  - Recapitulation of itemized estimates and new budget (obligational) authority 3160
  - Strategic petroleum reserve:
    - Alternative fuels production 30
    - Deferrals of budget authority and outlays arranged by departments and establishments 3193
    - Disapproval of deferral 30
    - Petroleum account (disapproval of deferral) 30
      - Deferrals of budget authority and outlays arranged by departments and establishments 3193
  - Uranium supply and enrichment activities 380
- Environmental acts:
  - Acts relating to:
    - Asbestos Hazard Emergency Response Act of 1986 1976
    - Columbia River Gorge National Scenic Area Act 2187
    - Deep Seabed Hard Mineral Resources Reauthorization Act of 1986 1974
    - Lower Colorado Water Supply Act 2016
    - Making a repayable advance to the Hazardous Substance Response Trust Fund 1793
    - Safe Drinking Water Act Amendments of 1986 1801
    - To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal year 1987, and for other purposes 1975
    - To amend the Wild and Scenic Rivers Act, and for other purposes 2007
    - To extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes 1826
    - To implement certain recommendations made pursuant to Public Law 98-360 1793
    - To implement the Coordinated Operations Agreement, the Suisun Marsh Preservation Agreement, and to amend the Small Reclamation Projects Act of 1956, as amended, and for other purposes 1995
    - To provide for the restoration of the fishery resources in the Klamath River Basin, and for other purposes 2001
    - Water Resources Development Act of 1986 2019
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3076
- Environmental Protection Agency:
  - Abatement, control, and compliance 68
  - Administrative provision 70
  - Buildings and facilities 68
  - Comparison of appropriations by departments and establishments 3052
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3199
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3171
  - Construction grants 23, 69
  - Hazardous substance response trust fund 69
    - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3086, 3122
  - Leaking underground storage tank trust fund 69
  - Permanent appropriations—Trust funds 3037
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3048
  - Research and development 68

Page

- Environmental Protection Agency—Continued
  - Salaries and expenses 68
    - Transfer of funds 23
  - Trust funds, advances to 69
- Environmental Quality, Council on and Office of: Recapitulation of appropriations by acts, irrespective of fiscal years 3048
- Equal Employment Opportunity Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3104
  - Salaries and expenses 252
- Executive Office of the President:
  - Administration, Office of: Salaries and expenses 484
  - Chronological history of regular annual and supplemental appropriation bills 3064, 3066
  - Drug Abuse and Control, White House Conference on:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3158
    - Salaries and expenses: Drug supplemental 528
  - Economic Advisers, Council of: Salaries and expenses 485
  - Environmental Quality, Council on, and Office of 70
  - Executive Residence at the White House: Operating expenses 485
  - Federal Procurement Policy, Office of: Salaries and expenses 486
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3122, 3151
  - Management and Budget, Office of: Salaries and expenses 486
  - National Critical Materials Council: Salaries and expenses 486
  - National Security Council: Salaries and expenses 486
  - Policy Development, Office of: Salaries and expenses 485
  - President:
    - Compensation of the 484
    - Special assistance to the 485
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3161
  - Science and Technology Policy, Office of 70
  - Unanticipated needs 486
  - White House Office: Salaries and expenses 485
  - Vice President, Official Residence of the: Operating expenses 485
- Export assistance:
  - Administrative expenses, limitation on 401
  - Chronological history of regular annual and supplemental appropriation bills 3062
  - Export-Import Bank of the United States 400
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3118
  - Program activity, limitation on 400
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3047
  - Recapitulation of itemized estimates and new budget (obligational) authority 3160

F

- Farm Credit Administration:
  - Administrative expenses, limitation on revolving fund for 215
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3098
- Federal Communications Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3104
  - Salaries and expenses 252
- Federal Election Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3152
  - Salaries and expenses 487
- Federal Emergency Management Agency:
  - Disaster relief (including transfer of funds) 70
  - Emergency food and shelter program 71
  - Emergency management planning and assistance 71
  - Funds appropriated to the President: Disaster relief 23
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3086, 3122
  - National flood insurance fund (transfers of funds) 71
  - Permanent appropriations—Federal funds 3028
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3048
  - Salaries and expenses 70
    - Transfer of funds 23

Page

- Federal Home Loan Bank Board:
  - Administrative expenses, limitation on ... 25, 80
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3087, 3124
- Federal Labor Relations Authority:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3153
  - Salaries and expenses ... 492
- Federal Maritime Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3104
  - Salaries and expenses ... 253
- Federal Mediation and Conciliation Service:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3135
  - Salaries and expenses ... 119
  - Summary of estimates not considered, by fiscal years, arranged by departments and establishments ... 3185
- Federal Mine Safety and Health Review Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3135
  - Salaries and expenses ... 119
- Federal Pay, Advisory Committee on:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3152
  - Salaries and expenses ... 487
- Federal Retirement Thrift Investment Board: Salaries and expenses ... 491
- Federal Savings and Loan Insurance Corporation: Administrative expenses, limitation on ... 80
- Federal Trade Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3104
  - Salaries and expenses ... 253
- Fine Arts, Commission of:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3128
  - Salaries and expenses ... 453
- Food and Drug Administration:
  - Buildings and facilities ... 214
  - Rental payments [FDA] (including transfers of funds) ... 215
  - Salaries and expenses ... 214
- Foreign assistance:
  - Chronological history of regular annual and supplemental appropriation bills ... 3066
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3200
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies ... 3177
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments ... 3171
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3084
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3049
- Foreign assistance and related agencies appropriations bill, 1987 ... 57
  - Acts relating to:
    - Anglo-Irish Agreement Support Act of 1986 ... 2255
    - Comprehensive Anti-Apartheid Act of 1986 ... 2258
    - Export-Import Bank Act Amendments of 1986 ... 2284
    - Special Foreign Assistance Act of 1986 ... 2293
    - To amend the Arms Export Control Act to require that congressional vetoes of certain arms export proposals be enacted into law ... 2213
    - To provide enhanced diplomatic security and combat international terrorism, and for other purposes ... 2214
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress ... 3076
  - Chronological history of regular annual and supplemental appropriation bills ... 3060, 3064
  - Comparison of appropriations by departments and establishments ... 3052
  - General provisions ... 402
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3116, 3154
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047
  - Recapitulation of itemized estimates and new budget (obligational) authority ... 3160, 3162
- Foreign assistance contingencies: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3085
- Fourth further continuing appropriations, 1987 ... 189
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority ... 3162

Page
Franklin Delano Roosevelt Memorial Commission:
- Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
- Salaries and expenses 453

Funds Appropriated to the President:
- International Development, Agency for 401
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3119
- International security assistance: Permanent appropriations—Federal funds 3018
- Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3118
- Permanent appropriations—Trust funds 3034
- Trade and development program 401

Further continuing appropriations, 1987 181
- Chronological history of regular annual and supplemental appropriation bills 3064

G

General government:
- Acts relating to:
  - Administrative Conference of the United States, and for other purposes, to authorize appropriations for the 2421
  - Anti-Drug Abuse Act of 1986 2432
  - Consolidated Federal Funds Report Amendments of 1985 2421
  - Domestic Volunteer Service Act Amendments of 1986 2424
  - Federal Employees Benefits Improvement Act of 1986 2303
  - Federal Employees Retirement System Act of 1986 2316
  - Federal Fire Prevention and Control Act of 1974, to authorize appropriations for activities under the 2419
  - Furloughed employees compensation, providing for 2432
  - Patent and Trademark Office in the Department of Commerce, and for other purposes, to authorize appropriations for 2608
  - Refugee Assistance Extension Act of 1986 2602
- Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress .....
- Comparison of appropriations by departments and establishments 3052
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3200
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3171

General Services Administration:
- Comparison of appropriations by departments and establishments 3053
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3201
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3172
- Consumer Information Center 72
- Federal buildings fund (limitation on availability of revenue) 41
- Federal property resources activities: Permanent appropriations—Federal funds 3021
- Federal Property Resources Service: Operating expenses 488
- Federal Retirement Thrift Investment Board: Salaries and expenses 41
- Federal Supply Service: Operating expenses 487
- General management and administration:
  - Administrative provision 41
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3092
  - Salaries and expenses 41, 489
- General provisions 489
- Information Resources Management Service: Operating expenses 489
- Inspector General, Office of 489
- Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3092, 3122, 3152
- National defense stockpile transaction fund 488
- Personal property activities: Permanent appropriations—Federal funds 3021
- Presidents, allowances and office staff for former 489

Page

H

- Harry S. Truman Scholarship Foundation: Permanent appropriations—Trust funds ... 3043
- Health and Human Services, Department of:
  - Alcohol, Drug Abuse, and Mental Health Administration:
    - Alcohol, drug abuse, and mental health ... 103
      - Drug supplemental ... 526
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments ... 3186
    - Comparison of appropriations by departments and establishments ... 3053
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3132, 3157
  - Buildings and facilities ... 103
  - Centers for Disease Control:
    - Comparison of appropriations by departments and establishments ... 3053
    - Disease control, research, and training ... 101
    - Summary of estimates not considered, by fiscal years, arranged by departments and establishments ... 3185
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3131
  - Chronological history of regular annual and supplemental appropriation bills ... 3062, 3066
  - Community Services, Office of:
    - Community food and nutrition ... 109
    - Community services block grant ... 32, 109
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3089, 3133
  - Comparison of appropriations by departments and establishments ... 3053
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3201
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies ... 3177
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments ... 3172
  - Consumer Affairs, Office of ... 72
  - Departmental management:
    - Civil Rights, Office for ... 109
    - Comparison of appropriations by departments and establishments ... 3053
    - General departmental management ... 109
    - Inspector General, Office of the ... 109
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3134
    - Policy research ... 109
  - Director, Office of the ... 103
  - Food and Drug Administration: Comparison of appropriations by departments and establishments ... 3053
  - General provisions ... 110
  - Health Care Financing Administration:
    - Comparison of appropriations by departments and establishments ... 3053
    - Health care trust funds, payments to ... 105
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3132
    - Medicaid, grants to States for ... 105
      - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies ... 3179
    - Permanent appropriations:
      - Federal funds ... 3022
      - Trust funds ... 3037
    - Program management ... 105
  - Health, National Institutes of:
    - Administrative provision ... 32
    - Comparison of appropriations by departments and establishments ... 3053
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3089, 3131
    - John E. Fogarty International Center ... 103
    - National Cancer Institute ... 32, 102
    - National Center for Nursing Research ... 103
    - National Eye Institute ... 102
    - National Heart, Lung, and Blood Institute ... 102

Page

- Health and Human Services, Department of—Continued
  - Health, National Institutes of—Continued
    - National Institute of Allergy and Infectious diseases, 102
    - National Institute of Arthritis and Musculoskeletal and Skin Diseases, 103
    - National Institute of Child Health and Human Deelopment, 102
    - National Institute of Dental Research, 102
    - National Institute of Diabetes and Digestive and Kidney Diseases, 102
    - National Institute of Environmental Health Sciences, 102
    - National Institute of General Medical Sciences, 102
    - National Institute of Neurological and Communicative Disorders and Stroke, 102
    - National Institute on Aging, 102
    - National Library of Medicine, 103
    - Recapitulation of appropriations by acts, irrespective of fiscal years, 3048, 3049
    - Recapitulation of itemized estimates and new budget (obligational) authority, 3161, 3162
    - Research resources, 103
    - Summary of estimates not considered, by fiscal years, arranged by departments and establishments, 3185, 3186
  - Health, Office of Assistant Secretary for:
    - Commissioned officers, retirement pay and medical benefits for, 104
    - Comparison of appropriations by departments and establishments, 3053
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3132
    - Permanent appropriations—Trust funds, 3037
    - Public Health Service management, 104
    - Summary of estimates not considered, by fiscal years, arranged by departments and establishments, 3186
  - Health Resources and Services Administration:
    - Comparison of appropriations by departments and establishments, 3053
    - Health resources and services, 31, 100
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments, 3186
    - Indian health facilities, 448
      - Deferral, 31
      - Deferrals of budget authority and outlays arranged by departments and establishments, 3193
      - Drug supplemental, 526
    - Indian health services, 31, 447
      - Administrative provisions, 448
      - Drug supplemental, 526
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3088, 3089, 3127, 3131, 3157
    - Medical facilities guarantee and loan fund: Federal interest subsidies for medical facilities, 191
    - Permanent appropriations—Federal funds, 3022
  - Human Development Services Administration:
    - Comparison of appropriations by departments and establishments, 3053
    - Family social services, 108
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments, 3185
    - Human development services, 108
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3133
    - Social services block grant, 108
    - Work incentives, 108
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3088, 3089, 3098, 3122, 3131, 3155
  - Saint Elizabeths Hospital, Federal subsidy for, 103
  - Social Security Administration:
    - Administrative expenses, limitation on, 107
    - Assistance payments program, 107
      - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies, 3179
    - Child support enforcement, 107
      - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies, 3179
    - Coal miners, special benefits for disabled, 106
      - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies, 3179

Page

- Health and Human Services, Department of—Continued
  - Social Security Administration—Continued
    - Comparison of appropriations by departments and establishments 3053
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3132
    - Low income home energy assistance 107
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3186
    - Permanent appropriations:
      - Federal funds 3022
      - Trust funds 3037
    - Social Security trust funds, payments to 106
    - Supplemental security income program 106
      - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies 3179
- Henry M. Jackson Foundation 284
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3109
- Historic Preservation, Advisory Council on:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
  - Permanent appropriations—Trust funds 3042
  - Salaries and expenses 453
- Housing and Urban Development, Department of:
  - Administrative provision 66
  - Chronological history of regular annual and supplemental appropriation bills 3062
  - Comparison of appropriations by departments and establishments 3053
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3201
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3172
  - Fair housing and equal opportunity:
    - Fair housing assistance 66
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3121
    - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3186
  - Federal Housing Administration fund 22, 63
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3086
  - Government National Mortgage Association:
    - Guarantees of mortgage-backed securities 22, 64
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3086, 3120
    - Participation sales insufficiencies, payment of 64
  - Housing programs and community planning and development:
    - Annual contributions for assisted housing (including rescission) 59
      - Comparison of budget estimates and contract authorizations carried in appropriation acts 3071
      - Deferrals of budget authority and outlays arranged by departments and establishments 3193
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
    - Assisted housing deobligations, rescission of:
      - Comparison of budget estimates and contract authorizations carried in appropriation acts 3071
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
    - Community development grants 64
    - Congregate services 63
    - Deferrals of budget authority and outlays arranged by departments and establishments 3193
    - Housing, annual contributions for assisted (rescissions) 21
    - Housing counseling assistance 63
    - Housing for the elderly or handicapped fund 62
      - Comparison of budget estimates and loan and borrowing authorizations carried in appropriation acts 3069
      - Deferrals of budget authority and outlays arranged by departments and establishments 3193

Page

- Housing and Urban Development, Department of—Continued
  - Housing programs and community planning and development—Continued
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3085, 3120, 3121
    - Low-income housing projects, payments for operation of ... 63
    - Model cities program ... 66
    - Nonprofit sponsor assistance ... 64
      - Deferrals of budget authority and outlays arranged by departments and establishments ... 3193
    - Permanent appropriations—Federal funds ... 3022, 3023
    - Rehabilitation loan fund ... 65
    - Rental housing assistance (rescission) ... 22, 62
      - Comparison of budget estimates and contract authorizations carried in appropriation acts ... 3071
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3190
    - Rent supplement program (rescission) ... 22, 62
      - Comparison of budget estimates and contract authorizations carried in appropriation acts ... 3071
      - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments ... 3190
    - Troubled projects operating subsidy ... 63
    - Urban development action grants ... 65
    - Urban homesteading ... 65
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3085, 3120
  - Management and administration:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3086, 3121
    - Permanent appropriations—Trust funds ... 3038
    - Salaries and expenses (including transfer of funds) ... 66
  - Policy development and research:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3121
    - Research and technology ... 66
  - Public and Indian housing programs: Permanent appropriations—Federal funds ... 3023
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3048
  - Recapitulation of itemized estimates and new budget (obligational) authority ... 3160
  - Solar Energy and Energy Conservation Bank: Solar and conservation improvements, assistance for ... 64
  - Housing programs and community planning and development (disapproval of deferrals) ... 22
  - Management and administration: Salaries and expenses (transfers of funds) ... 23
- Housing and urban development—independent agencies appropriations bill, 1987 ... 59
  - Acts relating to:
    - Extension of certain programs relating to housing and community development ... 2618
    - Federal Housing Administration and the Government National Mortgage Association to enter into additional commitments to insure loans and guarantee mortgage-backed securities during fiscal year 1986 ... 2616
    - Garn-St Germain Depository Institutions Act of 1982:
      - To extend for 3 months the emergency acquisition and net worth guarantee provisions of the ... 2615
      - To extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions ... 2617
    - Temporary extension of certain programs relating to housing and community development ... 2613
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress ... 3077
  - Chronological history of regular annual and supplemental appropriation bills ... 3062, 3064
  - General provisions ... 81
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3120, 3154
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3048, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority ... 3160, 3162
  - Shelter programs ... 83

I

Information Agency, U.S.:
  Administrative provision 258
  Chronological history of regular annual and supplemental appropriation bills 3066
  Cuba, radio broadcasting to 258
  East-West center 258
  Educational and cultural exchange programs 257
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3083, 3105, 3156
  National endowment for democracy 258
  Permanent appropriations—Trust funds 3044
  Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  Radio construction 257
  Salaries and expenses 257
    Drug supplemental 524
    Transfer of funds 13
Intelligence Community Staff 284
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3109
Inter-American Foundation 397
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3118
Intergovernmental Relations, Advisory Commission on:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3152
  Permanent appropriations—Trust funds 3042
  Salaries and expenses 487
Interior and related agencies appropriations bill, 1987 91
  Acts relating to:
    Acadia National Park in the State of Maine, to establish a permanent boundary for 2638
    American Folklife Center for fiscal years 1986, 1988, and 1989, to authorize appropriations for 2647
    Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, to establish the 2665
    Compact of Free Association between the United States and the Government of Palau, to approve the 2670
    Emergency Wetlands Resources Act of 1986 2656
    Gila Bend Indian Reservation Lands Replacement Act 2648
    Fish and wildlife conservation and natural resource management programs on military reservations, to enhance the carrying of out 2650
    Indiana Dunes National Lakeshore, relating to the 2653
    Haida Land Exchange Act of 1986 2699
    Nongame fish and wildlife conservation during fiscal years 1986, 1987, and 1988 2628
    To amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes 2629
    To increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania 2628
    Tohono O'odham Tat Momolikot Dam Settlement Act 2645
    Tribally Controlled Community College Assistance Amendments of 1986 2643
    White Earth Reservation Land Settlement Act of 1985 2619
  Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3077
  Chronological history of regular annual and supplemental appropriation bills 3062, 3064
  General provisions 432, 454
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3125, 3154
  Recapitulation of appropriations by acts, irrespective of fiscal years 3047, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3161, 3162
Interior, Department of the:
  Chronological history of regular annual and supplemental appropriation bills 3060, 3062, 3066
  Comparison of appropriations by departments and establishments 3054
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3202
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177

Page

- Interior, Department of the—Continued
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3173
  - Departmental offices:
    - Administrative provisions 432
    - Comparison of appropriations by departments and establishments 3054
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3126
    - Secretary, Office of the 432
    - Solicitor, Office of the:
      - Construction management 432
      - Inspector General, Office of 432
      - Salaries and expenses 432
  - Fish and Wildlife Service, U.S.:
    - Administrative provisions 420
    - Comparison of appropriations by departments and establishments 3054
    - Construction and anadromous fish 419
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3087, 3125
    - Land acquisition 25, 419
    - Land and Water Conservation Fund: Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3191
    - Permanent appropriations:
      - Federal funds 3024
      - Trust funds 3038
    - Migratory bird conservation account 419
    - National wildlife refugee fund 419
    - Resource management 419
  - General provisions 379
  - Geological Survey:
    - Administrative provisions 425
    - Comparison of appropriations by departments and establishments 3054
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3087, 3125
    - Permanent appropriations—Trust funds 3038
    - Surveys, investigations, and research 424
  - Indian Affairs, Bureau of:
    - Administrative provisions 430
    - Comparison of appropriations by departments and establishments 3054
    - Construction 27, 429
      - Deferral 27
      - Deferrals of budget authority and outlays arranged by departments and establishments 3193
      - Drug supplemental 526
    - Indian programs, operation of 26, 427
      - Drug supplemental 525
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3088, 3126, 3156
    - Loans, revolving fund for 27
    - Miscellaneous trust funds:
      - Indian loan guaranty and insurance fund 430
      - Loans, revolving fund for 430
      - Tribal trust funds 430
    - Permanent appropriations:
      - Federal funds 3025
      - Trust funds 3039
    - Road construction 429
    - Surveys, investigations, and research 26
    - White Earth trust fund 430
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3087, 3113, 3125
  - Land Management, Bureau of:
    - Administrative provisions 418
    - Comparison of appropriations by departments and establishments 3054
    - Construction and access 417
    - Deferrals of budget authority and outlays arranged by departments and establishments 3193
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3087, 3125

Page

- Interior, Department of the—Continued
  - Land Management, Bureau of—Continued
    - Land acquisition:
      - Deferral 25
      - Including rescission 417
    - Lands and resources, management of 416
    - Miscellaneous trust funds 418
    - Oregon and California grant lands 417
    - Permanent appropriations:
      - Federal funds 3023
      - Trust funds 3038
    - Range improvements 417
    - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3191
    - Service charges, deposits, and forfeitures 418
    - Taxes, payments in lieu of 417
  - Mines, Bureau of:
    - Administrative provisions 426
    - Comparison of appropriations by departments and establishments 3054
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3125
    - Mines and minerals 426
    - Permanent appropriations—Trust funds 3038
  - Minerals Management Service:
    - Comparison of appropriations by departments and establishments 3054
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3087, 3125
    - Leasing and royalty management 26, 425
    - Permanent appropriations—Federal funds 3024
  - National Park Service:
    - Administrative provisions 26, 423
    - Comparison of appropriations by departments and establishments 3054
    - Construction 26, 422
      - Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
    - Historic preservation fund 422
    - Illinois and Michigan Canal National Heritage Corridor Commission 423
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3125, 3156
    - Jefferson National Expansion Memorial Commission 423
    - John F. Kennedy Center for the Performing Arts 423
    - Land acquisition and State assistance 423
    - Land and Water Conservation Fund (rescission) 26
      - Comparison of budget estimates and contract authorizations carried in appropriation acts 3071
    - National Park System, operation of the 25, 420
      - Drug supplemental 525
    - National recreation and preservation 422
    - Permanent appropriations:
      - Federal funds 3025
      - Trust funds 3038
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3160, 3161
  - Reclamation, Bureau of 375
    - Administrative provisions 378
    - Comparison of appropriations by departments and establishments 3054
    - Construction program (including transfer of funds) 375
    - Emergency fund 377
    - General administration expenses 377
    - General investigations 375
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3113
    - Loan program 377
    - Permanent appropriations:
      - Federal funds 3024
      - Trust funds 3038
    - Operation and maintenance 376
    - Special funds (transfer of funds) 378

Page

Interior, Department of the—Continued
  Reclamation, Bureau of—Continued
    Working capital fund 378
  Secretary, Office of the: Permanent appropriations—Federal funds 3026
  Surface Mining Reclamation and Enforcement, Office of:
    Abandoned mine reclamation fund 426
    Comparison of appropriations by departments and establishments 3054
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3087, 3126
    Regulation and technology 426
      Rescission 26
      Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3191
  Territorial and international affairs:
    Compact of Free Association 27, 431
    Comparison of appropriations by departments and establishments 3054
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3088, 3126
    Pacific Islands, Trust Territory of the 431
    Permanent appropriations—Federal funds 3025
    Territories, administration of 430
International Trade Commission:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3105
  Salaries and expenses 254
Interstate Commerce Commission:
  Directed rail service, payments for (limitation on obligations) 162
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3149
  Salaries and expenses (including transfer of funds) 161
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3079

J

James Madison Memorial Fellowship:
  Chronological history of regular annual and supplemental appropriation bills 3060, 3066
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3106
  Recapitulation of itemized estimates and new budget (obligational) authority 3159
  Trust fund:
    Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies 3179
    Comparison of budget estimates, appropriations, and rescissions, fiscal year 1989, arranged by agencies 3181
Japan-United States Friendship Commission:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3105
  Japan-United States friendship trust fund 254
Judiciary and Justice acts:
  Acts relating to:
    Immigration Reform and Control Act of 1986 2711
    Judicial Improvements Act of 1985 2705
  Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3077
Judiciary, the:
  Administrative provisions 12
  Bicentennial expenses, the Judiciary:
    Bicentennial activities (including transfer of funds) 249
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3103
  Chronological history of regular annual and supplemental appropriation bills 3060, 3066
  Comparison of appropriations by departments and establishments 3054
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3202
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3173
  Courts of Appeals, district courts, and other judicial services:
    Defender services: Drug supplemental 524
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3083, 3156

Page

- Judiciary, the—Continued
  - Courts of Appeals, district courts, and other judicial services—Continued
    - Jurors and commissioners, fees of 12
      - Drug supplemental 524
    - Office building, study of construction of 12
    - Salaries and expenses: Drug supplemental 524
    - Salaries of supporting personnel 12
    - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3186
  - Federal Judicial Center:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3103
    - Salaries and expenses 249
  - General provisions 249
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3082, 3103
  - Permanent appropriations—Trust funds 3033
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3047, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3159
  - Sentencing Commission, U.S.:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3104
    - Salaries and expenses 249
  - Supreme Court of the United States:
    - Buildings and grounds, care of the 12, 247
    - Courts of appeals, district courts, and other judicial services:
      - Court security 248
      - Defender services 248
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3103
      - Jurors and commissioners, fees of 248
      - Salaries and expenses 248
    - Court of Appeals for the Federal Circuit, U.S.:
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3103
      - Salaries and expenses 247
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3082, 3103
    - International Trade, U.S. Court of:
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3103
      - Salaries and expenses 247
    - Salaries and expenses 247
  - U.S. Courts, Administrative Offices of the:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3103
    - Salaries and expenses 249
- Justice, Department of:
  - Chronological history of regular annual and supplemental appropriation bills 3060, 3066
  - Comparison of appropriations by departments and establishments 3054
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3203
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3173
  - Drug Enforcement Administration:
    - Construction 235
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3101, 3155
    - Salaries and expenses 235
      - Drug supplemental 523
  - Federal Bureau of Investigation:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3082, 3101, 3155
    - Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3191
    - Salaries and expenses 234

Page

- **Justice, Department of—Continued**
  - Federal Bureau of Investigation—Continued
    - Salaries and expenses—Continued
      - Drug supplemental ... 523
      - Including rescission ... 10
  - Federal Prison System:
    - Buildings and facilities ... 236
      - Drug supplemental ... 524
    - Federal Prison Industries, Inc ... 236
      - Administrative and vocational expenses, limitation on ... 237
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3102, 3155
    - National Institute of Corrections ... 236
    - Salaries and expenses ... 10, 236
      - Drug supplemental ... 523
  - General administration:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3101
    - Salaries and expenses ... 232
  - General provisions ... 238
  - Immigration and Naturalization Service:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3102
    - Salaries and expenses ... 10, 235
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3101
  - Justice Programs, Office of:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3102, 3156
    - Justice assistance ... 237
      - Drug supplemental ... 524
    - Permanent appropriations—Federal funds ... 3026
  - Legal activities:
    - Antitrust Division: Salaries and expenses ... 233
    - Assets forfeiture fund: Drug supplemental ... 523
    - Attorneys, U.S.:
      - Drug supplemental ... 523
      - Salaries and expenses ... 233
    - Bankruptcy cases, oversight of: Salaries and expenses ... 233
    - Community Relations Service: Salaries and expenses ... 234
    - Foreign Claims Settlement Commission: Salaries and expenses ... 233
    - General legal activities: Salaries and expenses ... 232
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3101, 3155
    - Marshals Service, U.S.:
      - Drug supplemental ... 523
      - Salaries and expenses ... 10, 233
    - Prisoners, support of United States ... 10, 233
      - Drug supplemental ... 523
    - Witnesses, fees and expenses of ... 234
  - Recapitulation of appropriations by acts, irrespective of fiscal years ... 3047, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority ... 3159
  - U.S. Parole Commission:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3101
    - Salaries and expenses ... 232

L

- **Labor, Department of:**
  - **Administrative provision** ... 34
  - **Chronological history of regular annual and supplemental appropriation bills** ... 3062, 3066
  - **Comparison of appropriations by departments and establishments** ... 3054
  - **Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments** ... 3203
  - **Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments** ... 3173
  - **Deferrals, disapproval of: Negative supplementals** ... 100

Page

Labor, Department of—Continued
  Departmental management:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130, 3157
    Salaries and expenses 99
      Drug supplemental 526
  Employment and Training Administration:
    Community service employment for older Americans 94
    Federal unemployment benefits and allowances 94
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
    Permanent appropriations—Trust funds 3039
    Program administration 93
    State unemployment insurance and employment service operations 94
    Training and employment services 93
      Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3186
  Employment Standards Administration:
    Black lung disability trust fund (including transfer of funds) 96
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
    Permanent appropriations—Trust funds 3039
    Salaries and expenses 96
    Special benefits (including transfer of funds) 96
  General provisions 100
  Inspector General, Office of the 99
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
  Labor-Management Services:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
    Salaries and expenses 95
  Labor Statistics, Bureau of:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
    Salaries and expenses 99
  Mine Safety and Health Administration:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
    Salaries and expenses 98
  Occupational Safety and Health Administration:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
    Salaries and expenses 97
  Pension Benefit Guaranty Corporation:
    Fund 95
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3161
  Special foreign currency program 99
  Veterans Employment and Training, Assistant Secretary for 99
Labor, Health and Human Services, and Education, and related agencies appropriations bill, 1987 93
  Acts relating to:
    Children's Justice and Assistance Act of 1986 2808
    Comprehensive Smokeless Tobacco Health Education Act of 1986 2789
    Drug Export Amendments Act of 1986 2867
    Health Services Amendments Act of 1986 2795
    Human Services Reauthorization Act of 1986 2814
    Injury Prevention Act of 1986 2865
    Job Training Partnership Act Amendments of 1986 2825
    Older Americans Act Amendments of 1986 2794
    Protection and Advocacy for Mentally Ill Individuals Act of 1986 2797
    Rehabilitation Act Amendments of 1986 2831
  Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3077
  Chronological history of regular annual and supplemental appropriation bills 3062, 3064
  General provisions 122

Page
Labor, Health and Human Services, and Education, and related agencies appropriations bill, 1987—Continued
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3130, 3154
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3161, 3162
Legal Services Corporation:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3105
  Payment to the 254
Legislative branch appropriations bill, 1987 127
  Acts relating to:
    Telephone service to Senators 2931
    To authorize funds to preserve the official papers of Joseph W. Martin, Jr 2931
  Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3078
  Chronological history of regular annual and supplemental appropriation bills 3062, 3064
  General provisions 141
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3138, 3154
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3162
Legislative branch:
  Administrative provisions 132
  Appropriations, Committee on (Studies and investigations) 131
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3140
  Architect of the Capitol:
    Architect of the Capitol, Office of the:
      Contingent expenses 135
      Capitol buildings 37
      Capitol Power Plant 37, 136
      Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091, 3141
      Salaries 37, 135
      Travel 135
    Capitol buildings and grounds:
      Capitol buildings 135
      Capitol grounds 135
      Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3141
    House Office buildings 135
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091
    Library buildings and grounds:
      Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3142
      Structural and mechanical care 138
    Senate Office buildings 135
  Biomedical Ethics Board:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3141
    Salaries and expenses 134
  Botanic Garden:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3142
    Salaries and expenses 137
  Comparison of appropriations by departments and establishments 3054
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3203
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3173
  Congressional Budget Office:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3141
    Salaries and expenses 134

Page

- Legislative branch—Continued
  - Congressional operations:
    - Chronological history of regular annual and supplemental appropriation bills 3062
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3138
  - Copyright Royalty Tribunal:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3142
    - Salaries and expenses 139
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3187
  - General Accounting Office:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3143
    - Salaries and expenses 140
  - Government Printing Office:
    - Congressional printing and binding 136
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3142, 3143
    - Printing and binding 139
    - Revolving fund 139
    - Superintendent of Documents, Office of: Salaries and expenses (including transfer of funds) 139
  - House of Representatives:
    - Budget, Committee on the (Studies) 130
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
    - Committee employees 130
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
    - Contingent expenses of the House:
      - Allowances and expenses 131
        - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3140
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3090
      - Standing committees, special and select 36, 131
        - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3186
    - House leadership offices 130
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3090
    - Members' clerk hire 130
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3186
    - Members of Congress, payments to widows and heirs of deceased 130
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
    - Mileage of Members 130
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
    - Permanent appropriations—Federal funds 3017
    - Salaries, officers and employees 36
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3090
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3186
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3090
  - Joint items:
    - Appropriations, statement of 134
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3141

Page

Legislative branch—Continued
- Joint items—Continued
  - Attending Physician, Office of the ... 133
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3141
  - Capitol Guide Service ... 133
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3141
  - Capitol Police:
    - Capitol police board ... 36
    - General expenses ... 133
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3090, 3141
  - House, contingent expenses of the: Joint Committee on Taxation ... 36, 133
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3090, 3141
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3090
  - Official mail costs ... 133
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3090, 3141
  - Senate, contingent expenses of the:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3140
    - Joint Economic Committee ... 132
    - Joint Committee on Printing ... 132
- Library of Congress:
  - Administrative provisions ... 138
  - Books for the Blind and Physically Handicapped: Salaries and expenses ... 138
  - Congressional Research Service:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3142
    - Salaries and expenses ... 136
  - Copyright Office: Salaries and expenses ... 137
  - Furniture and furnishings ... 138
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3091, 3142
  - Library materials, collection and distribution of (Special foreign currency program) ... 138
  - Permanent appropriations:
    - Federal funds ... 3017
    - Trust funds ... 3033
  - Salaries and expenses ... 37, 137
- Railroad Accounting Principles Board:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3143
  - Recapitulation of itemized estimates and new budget (obligational) authority ... 3161
  - Salaries and expenses ... 141
- Salaries, officers and employees ... 131
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3140
- Senate:
  - Administrative provisions ... 35
  - Contingent expenses of the Senate:
    - Expenses of United States Senate Caucus on International Narcotics Control ... 129
    - Inquiries and investigations ... 129
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3090, 3139
    - Miscellaneous items ... 130
    - Secretary of the Senate ... 129
    - Senate Policy Committees ... 129
    - Sergeant at Arms and Doorkeeper of the Senate ... 130
    - Stationery (revolving fund) ... 130
  - Expense allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the majority and minority of the Senate ... 129
  - Expense allowances of the Vice President, the president pro tempore, majority and minority leaders, majority and minority whips, and chairmen of the majority and minority conference committees ... 128

Page
Legislative branch—Continued
Senate—Continued
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3090, 3138
Legislative Counsel of the Senate, Office of the 129
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3138
Members of Congress, payments to widows and heirs of deceased 127
Mileage of the Vice President and Senators 127
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3138
Permanent appropriations—Federal funds 3017
Representation allowances for the majority and minority leaders 128
Salaries, officers and employees 128
Administrative, clerical, and legislative assistance to Senators 129
Agency contributions 129
Chaplain, Office of the 128
Conference committees 128
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3090, 3138
Majority and Minority Leaders, Office of the 128
Majority and Minority Whips, Office of the 128
President Pro Tempore, Office of the 128
Secretaries for the Majority and Minority, Offices of the 129
Secretaries of the Conference of the Majority and the Conference of the Minority, Offices of the 128
Secretary, Office of the 128
Sergeant at Arms and Doorkeeper, Office of the 35, 129
Vice President, Office of the 128
Senate Legal Counsel, Office of 129
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3139
Widows and heirs of deceased Members of Congress, payments to: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3138
Technology Assessment, Office of:
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3141
Permanent appropriations—Trust funds 3033
Salaries and expenses 134

M

Marine Mammal Commission:
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3105
Salaries and expenses 255
Merit Systems Protection Board:
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3153
Salaries and expenses 491
Special Counsel, Office of: Salaries and expenses 492
Military assistance:
Chronological history of regular annual and supplemental appropriation bills 3062
Funds appropriated to the President:
Foreign military credit sales 399
International military education and training 399
Military assistance 399
Special defense acquisition fund 400
Recapitulation of appropriations by acts, irrespective of fiscal years 3047
Recapitulation of itemized estimates and new budget (obligational) authority 3160
Military construction:
Air Force 459
Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3185
Air Force Reserve 461
Summary of estimates not considered, by fiscal years, arranged by departments and establishments 3185
Air National Guard 460

Page

Military construction—Continued
  Army 458
    Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
  Army National Guard 460
  Army Reserve 461
    Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3197
  Defense agencies 460
  Family housing:
    Air Force 462
    Army 461
    Defense agencies 462
    Navy and Marine Corps 461
  Homeowners assistance fund, defense 462
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3144
  Naval Reserve 461
  Navy 459
    Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3190
  North Atlantic Treaty Organization infrastructure 460
Military construction appropriation bill, 1987 143
  Central America 466
  Chronological history of regular annual and supplemental appropriation bills 3062, 3064
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1988, arranged by agencies 3179
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1989, arranged by agencies 3181
  Emergency reserve for African famine relief 477
  General provisions 462
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3144, 3155
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3161, 3162
Multilateral economic assistance:
  Chronological history of regular annual and supplemental appropriation bills 3062
  Funds appropriated to the President:
    International financial institutions:
      African Development Bank, contribution to the 391
        Callable capital subscriptions, limitation on 391
      African development fund, contribution to the 391
      Asian Development Bank, contribution to the 390
        Callable capital subscriptions, limitation on 391
      Inter-American Development Bank, contribution to the 390
        Callable capital subscriptions, limitation on 390
      International Development Association, contribution to the 389
      International organizations and programs 391
      Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3116
      Reconstruction and Development, International Bank for, contribution to the 389
        Callable capital subscriptions, limitation on 389
      Sub-Saharan Africa, contribution to the special facility for 390
  Recapitulation of appropriations by acts, irrespective of fiscal years 3047
  Recapitulation of itemized estimates and new budget (obligational) authority 3160

N

National Aeronautics and Space Administration:
  Chronological history of regular annual and supplemental appropriation bills 3064
  Comparison of appropriations by departments and establishments 3055
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3202
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3173
  Facilities, construction of 73

Page
National Aeronautics and Space Administration—Continued
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3086, 3122, 3154
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3162
  Research and development 72
  Research and program management 73
    Transfers of funds 24
  Space flight, control and data communications 73
    Including transfer of funds 24
National-Afro-American History and Culture Commission: National Center for the Study of Afro-American History and Culture 119
National Archives and Records Administration:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3152
  Operating expenses 490
  Permanent appropriations—Trust funds 3043
National Capital Planning Commission:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
  Salaries and expenses 453
National Commission on Libraries and Information Science:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Salaries and expenses 119
National Council on the Handicapped:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Salaries and expenses 120
National Credit Union Administration:
  Central liquidity facility 74
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3123
National Labor Relations Board:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Salaries and expenses 120
National Mediation Board:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Salaries and expenses 120
National Science Foundation:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3123
  Permanent appropriations—Trust funds 3043
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048
  Research and related activities 74
  Science education activities 75
  Scientific activities overseas (special foreign currency program) 75
  U.S. Antarctic program activities 75
National Transportation Safety Board:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3149
  Salaries and expenses 161
Navajo and Hopi Indian Relocation Commission:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3127
  Salaries and expenses 449
Neighborhood Reinvestment Corporation:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3123
  Payment to the 75
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048
Nuclear Regulatory Commission:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3115
  Salaries and expenses 386
  Susquehanna River Basin Commission:
    Contribution to 387
    Salaries and expenses 387

O

Occupational Safety and Health Review Commission:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Salaries and expenses 120
Overseas Private Investment Corporation 397
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3118
Omnibus Drug Supplemental Appropriations Act:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3155

Page

Omnibus Drug Supplemental Appropriations Act—Continued
  Recapitulation of itemized estimates and new budget (obligational) authority 3162

P

Panama Canal Commission:
  Capital outlay 162
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091, 3149
  Operating expenses 39, 162
  Permanent appropriations—Federal funds 3028
Peace Corps 397
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3118
Peace, U.S. Institute of 122
  Chronological history of regular annual and supplemental appropriation bills 3066
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3136
Pennsylvania Avenue Development Corporation:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3129
  Public development 454
  Salaries and expenses 453
Permanent appropriations:
  Federal funds 3017
  Trust funds 3033
Personnel Management, Office of:
  Civil service retirement and disability fund, payment to 491
  Comparison of appropriations by departments and establishments 3055
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3204
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3174
  Employees health benefits, Government payment for annuitants 491
  Federal retirement thrift investment fund: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3092
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3092, 3152
  Permanent appropriations:
    Federal funds 3026
    Trust funds 3040
  Revolving fund 491
  Salaries and expenses 41, 490
Philippines, special assistance to the:
  Economic support fund 21
  Export-Import Bank of the United States 21
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3085
  Military assistance 21
Physician Payment Review Commission:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Salaries and expenses 120
Postal Service:
  Chronological history of regular annual and supplemental appropriation bills 3064
  Comparison of appropriations by departments and establishments 3055
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3204
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3174
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3151
  Permanent appropriations—Federal funds 3028
  Postal Service fund, payment to the 483
  Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3161
Potomac River Basin, Interstate Commission on the:
  Contribution to 386
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3115
Prevent Infant Mortality, National Commission to: Chronological history of regular annual and supplemental appropriation bills 3066

Page

- Prospective Payment Assessment Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  - Salaries and expenses 120
- Public Broadcasting, Corporation for:
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1989, arranged by agencies 3181
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  - Permanent appropriations—Federal funds 3028
  - Public broadcasting fund 119
- Public Laws:
  - 99-241 575
  - 99-242 1437
  - 99-247 2213
  - 99-251 2303
  - 99-252 2789
  - 99-253 575
  - 99-255 2949
  - 99-260 577
  - 99-264 2619
  - 99-267 2613
  - 99-269 2794
  - 99-270 1793
  - 99-272 589
  - 99-278 2615
  - 99-280 2795
  - 99-289 2616
  - 99-294 1793
  - 99-319 2797
  - 99-320 1445
  - 99-322 2949
  - 99-331 1091
  - 99-335 2316
  - 99-336 2705
  - 99-339 1801
  - 99-345 2617
  - 99-348 1091
  - 99-357 1446
  - 99-359 2419
  - 99-366 2950
  - 99-368 2951
  - 99-371 1447
  - 99-375 2628
  - 99-382 2943
  - 99-383 2944
  - 99-384 2933
  - 99-388 2628
  - 99-396 2629
  - 99-399 2214
  - 99-400 2617
  - 99-401 2808
  - 99-409 586
  - 99-415 2255
  - 99-420 2638
  - 99-423 1459
  - 99-425 2814
  - 99-428 2643
  - 99-430 2618
  - 99-433 1115
  - 99-439 2931
  - 99-440 2258
  - 99-441 1189
  - 99-457 1460
  - 99-469 2645
  - 99-470 2421
  - 99-472 2284
  - 99-473 2647
  - 99-496 2825
  - 99-498 1488

Page

Public Laws—Continued
  99-499 1826
  99-502 1041
  99-503 2648
  99-506 2831
  99-507 1974
  99-509 860
  99-514 2933
  99-516 1975
  99-519 1976
  99-529 2293
  99-546 1995
  99-547 2421
  99-551 2424
  99-552 2001
  99-559 2432
  99-561 2650
  99-569 1190
  99-570 2432
  99-573 1438
  99-574 1052
  99-576 2965
  99-583 2653
  99-590 2007
  99-603 2711
  99-605 2602
  99-607 2608
  99-608 2931
  99-617 1790
  99-626 2953
  99-633 1058
  99-640 2955
  99-645 2656
  99-647 2665
  99-649 2865
  99-655 2016
  99-658 2670
  99-659 1058
  99-660 2867
  99-661 1204
  99-662 2019
  99-663 2187
  99-664 2699
Public Works Improvement, National Council on:
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3115
  Salaries and expenses 386

R

Railroad Retirement Board:
  Administration, limitation on 121
  Comparison of appropriations by departments and establishments 3055
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3204
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3174
  Dual benefits payments account 120
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3135
  Permanent appropriations:
    Federal funds 3026
    Trust funds 3040
  Railroad retirement accounts, Federal payments to the 121
  Railroad unemployment insurance administration fund, limitation on 121
  Review activity, limitation on 121
Railway Association, U.S.:
  Administrative expenses 162
  Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3149
  Permanent appropriations—Federal funds 3029

Page

- Recapitulation of appropriations by acts, irrespective of fiscal years 3047
- Recapitulation of comparison of budget estimates, appropriations, and rescissions 3183
- Recapitulation of itemized estimates and new budget (obligational) authority 3159
- Recapitulation of miscellaneous private acts, 99th Congress, 2d session 3015
- Rescissions and deferrals reports:
  - Cumulative report on rescissions and deferrals, September 1986 557
  - Cumulative report on rescissions and deferrals, January 1, 1987 567
- Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3189
- Revenue acts:
  - Acts relating to:
    - Tax Reform Act of 1986 2933
    - To increase the statutory limit on the public debt 2933
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3078
- Revenue Sharing, Office of: Recapitulation of appropriations by acts, irrespective of fiscal years 3048

S

- Science acts:
  - Acts relating to:
    - Japanese Technical Literature Act of 1986 2943
    - National Science Foundation Authorization Act for Fiscal Year 1987 2944
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3078
- Science and Technology Policy, Office of: Recapitulation of appropriations by acts, irrespective of fiscal years 3048
- Second further continuing appropriations, 1987 185
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049
- Second urgent supplemental appropriations for the Department of Agriculture, 1986 3
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3080
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3161
- Securities and Exchange Commission:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3105
  - Salaries and expenses 255
- Security and Cooperation in Europe, Commission on:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3104
  - Salaries and expenses 252
- Selective Service System:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3123
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3048
  - Salaries and expenses 75
- Sequestration acts:
  - Acts relating to:
    - To establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States code, for fiscal year 1986 2949
    - To ratify the February 1, 1986, sequestration order of the President for Fiscal Year 1986 issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 2950
    - To revise further the limitation applicable to chapter 37 of title 38, United States Code, for fiscal year 1986, for the purpose of implementing any order issued by the President for such fiscal year under any law providing for the sequestration of new loan guarantee commitments, and for other purposes 2949
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3078
- Small Business Administration:
  - Administrative provision 13
  - Business loan and investment fund 256
  - Comparison of appropriations by departments and establishments 3055
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3204
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3174
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3083, 3105

Page

- Small Business Administration—Continued
  - Permanent appropriations—Federal funds ... 3026
  - Pollution control equipment contract guarantee revolving fund ... 256
  - Revolving funds ... 256
  - Salaries and expenses:
    - Including transfer of funds ... 256
    - Transfer of funds ... 13
  - Surety bond guarantees revolving fund ... 256
- Smithsonian Institution:
  - Art, National Gallery of:
    - Buildings, repair, restoration and renovation of ... 451
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3089
    - Salaries and expenses ... 450
      - Transfer of funds ... 31
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3089, 3127
  - National Zoological Park:
    - Buildings, restoration and renovation of ... 450
    - Construction ... 450
    - Construction and improvements ... 450
  - Permanent appropriations—Trust funds ... 3043
  - Salaries and expenses ... 450
- Soldiers' and Airmen's Home:
  - Capital outlay ... 122
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3089, 3136
  - Operation and maintenance ... 121
  - Permanent appropriations—Trust funds ... 3036
  - Transfer of funds ... 34
- State, Department of:
  - Antiterrorism assistance ... 20, 398
  - Asia Foundation ... 11
  - Chronological history of regular annual and supplemental appropriation bills ... 3060
  - Comparison of appropriations by departments and establishments ... 3055
  - Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments ... 3205
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies ... 3177
  - Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments ... 3175
  - Emergency refugee and migration assistance fund, U.S ... 398
  - Foreign affairs, administration of:
    - American Institute in Taiwan, payment to the ... 244
    - Buildings abroad, acquisition and maintenance of ... 11, 244
    - Counterterrorism research and development ... 11
    - Diplomatic and consular service, emergencies in the ... 244
    - Foreign service retirement and disability fund, payment to the ... 244
    - Foreign missions and officials, protection of ... 244
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3082, 3102
    - Permanent appropriations:
      - Federal funds ... 3026
      - Trust funds ... 3040
    - Representation allowances ... 244
    - Salaries and expenses ... 11, 243
      - Summary of estimates not considered, by fiscal years, arranged by departments and establishments ... 3187
  - General provisions ... 11, 247
  - Haiti, assistance for ... 20
  - International commissions:
    - American sections ... 246
    - Construction (including transfer of funds) ... 246
    - International Boundary and Water Commission, United States and Mexico ... 245
    - International fisheries commissions ... 246
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts ... 3102
    - Salaries and expenses ... 245

Page

- State, Department of—Continued
  - International narcotics control, 398
    - Drug supplemental, 525
  - International organizations and conferences:
    - International conferences and contingencies, 245
    - International peacekeeping activities, contributions for, 245
    - International organizations, contributions to, 245
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3102, 3156
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3082, 3085, 3102, 3118
  - Migration and refugee assistance, 398
  - Other:
    - Asia Foundation, payment to the, 246
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3082
    - Permanent appropriations—Federal funds, 3026
    - Soviet-East European research and training, 246
    - U.S. bilateral science and technology agreements, 246
  - Peacekeeping operations, 398
  - Recapitulation of appropriations by acts, irrespective of fiscal years, 3047
  - Recapitulation of itemized estimates and new budget (obligational) authority, 3159
- State Justice Institute:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3105
  - Salaries and expenses, 257
- Summary of estimates not considered, by fiscal years, arranged by departments and establishments, 3185
- Susquehanna River Basin Commission: Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3115

T

- Tax Court, U.S.:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3153
  - Permanent appropriations—Trust funds, 3044
  - Salaries and expenses, 492
- Tennessee Valley Authority:
  - Fund, 387
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3115
  - Permanent appropriations—Federal funds, 3029
- Third further continuing appropriations, 1987, 187
- Trade Representative, Office of the U.S.:
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3105
  - Salaries and expenses, 255
- Transportation and related agencies appropriation bill, 1987, 145
  - Acts relating to:
    - Coast Guard Authorization Act of 1986, 2955
    - Panama Canal Commission Authorization Act, Fiscal Year 1987, 2951
    - Recreational Boating Safety Act of 1986, 2953
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress, 3078
  - Chronological history of regular annual and supplemental appropriation bills, 3062, 3064
  - General provisions, 163
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts, 3146, 3155
  - Recapitulation of appropriations by acts, irrespective of fiscal years, 3048, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority, 3161, 3162
- Transportation, Department of:
  - Chronological history of regular annual and supplemental appropriation bills, 3062, 3066
  - Coast Guard:
    - Acquisition, construction, and improvements, 38, 147
      - Drug supplemental, 527
    - Boat safety:
      - Comparison of budget estimates and appropriations to liquidate contract authorizations, 3073
      - Contract authority, liquidation of, 148
    - Comparison of appropriations by departments and establishments, 3055
    - Deepwater port liability fund, 148

Page
Transportation, Department of—Continued
Coast Guard—Continued
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091, 3146, 3157
Offshore oil pollution compensation fund 147
Operating expenses 38, 146
Drug supplemental 527
Permanent appropriations:
Federal funds 3026
Trust funds 3041
Research, development, test, and evaluation 147
Reserve training 147
Retired pay 147
Comparison of appropriations by departments and establishments 3055
Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3205
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3175
Federal Aviation Administration:
Aircraft purchase loan guarantee program 151
Aviation insurance revolving fund 150
Comparison of appropriations by departments and establishments 3055
Facilities and equipment (airport and airway trust fund) (including transfer of funds) 149
Grants-in-aid for airports (liquidation of contract authorization) (airport and airway trust fund) 150
Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
Headquarters administration 148
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091, 3146
Metropolitan Washington airports:
Construction 150
Operation and maintenance 150
Operations (including transfers of funds) 38, 148
Permanent appropriations—Trust funds 3041
Research, engineering and development (airport and airway trust fund) 150
Transfer of funds 38
Federal Highway Administration:
Airport access demonstration project (highway trust fund) 154
Airport access highway demonstration project (highway trust fund) 155
Airport-highway demonstration project 153
Baltimore-Washington Parkway (highway trust fund) 153
Comparison of appropriations by departments and establishments 3055
Expressway gap closing demonstration project 153
Federal-aid highways: (Highway trust fund) 39
Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
Contract authorization, liquidation of 152
Obligations, limitation on 152
General operating expenses, limitation on 151
Highway-railroad grade crossing safety demonstration project (highway trust fund) 154
Highway-related safety grants (liquidation of contract authorization) (highway trust fund) 152
Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
Highway safety and economic development demonstration projects (highway trust fund) 153
Highway safety improvement demonstration project (highway trust fund) 154
Highway safety research and development (highway trust fund) 151
Highway trust fund: Permanent appropriations—Trust funds 3040
Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3147
Intermodal urban demonstration project (highway trust fund) 153
Miscellaneous trust funds: Permanent appropriations—Trust funds 3041
Motor carrier safety 152
Grants (highway trust fund) 152
Nuclear waste transportation safety demonstration project (highway trust fund) 154

Transportation, Department of—Continued
  Federal Highway Administration—Continued
    Public recreation areas, access highways to on certain lakes 153
    Railroad-highway crossings demonstration projects 152
    Right-of-way revolving fund (limitation on direct loans) (highway trust fund) 152
    Theodore Roosevelt Bridge capacity improvements (highway trust fund) 155
    Waste isolation pilot project roads 153
  Federal Railroad Administration:
    Administrator, Office of the (including transfer of funds) 156
    Comparison of appropriations by departments and establishments 3055
    Conrail commuter transition assistance 158
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3148
    National Railroad Passenger Corporation, grants to the (including transfer of funds) 157
    Northeast corridor improvement program 157
    Permanent appropriations—Federal funds 3026
    Railroad rehabilitation and improvement financing funds 158
    Railroad research and development 157
    Railroad safety 157
    Redeemable preference shares 39, 158
  Inspector General, Office of the:
    Comparison of appropriations by departments and establishments 3055
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3149
    Salaries and expenses 161
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091, 3104, 3123, 3146
  Maritime Administration:
    Comparison of appropriations by departments and establishments 3055
    General provisions 251
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3083, 3104
    Operating-differential subsides (liquidation of contract authority) 250
      Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
    Operations and training 250
      Deferrals of budget authority and outlays arranged by departments and establishments 3194
      Disapproval of deferral 13
    Permanent appropriations:
      Federal funds 3027
      Trust funds 3041
    Research and development 250
  National Highway Traffic Safety Administration:
    Comparison of appropriations by departments and establishments 3055
    Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
    Highway traffic safety grants:
      Contract authorization, liquidation of (highway trust fund) (including rescission) 155
      Rescissions of appropriations considered during the 2d session of the 99th Congress, arranged by departments and establishments 3191
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3148
    Operations and research (including transfer of funds) 155
  Recapitulation of appropriations by acts, irrespective of fiscal years 3048, 3049
  Recapitulation of itemized estimates and new budget (obligational) authority 3161
  Research and Special Programs Administration:
    Comparison of appropriations by departments and establishments 3055
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3148
    Research and special programs 160
  Saint Lawrence Seaway Development Corporation 160
    Administrative expenses, limitation on 160
    Comparison of appropriations by departments and establishments 3055
    Eisenhower lock repair 160
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3148
  Secretary, Office of the:
    Air carriers, payments to 146

Page
Transportation, Department of—Continued
  Secretary, Office of the—Continued
    Comparison of appropriations by departments and establishments 3055
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3146
    Salaries and expenses 145
    Transportation planning, research, and development (including transfer of funds) 146
    Working capital fund 146
  Urban Mass Transportation Administration:
    Administrative expenses 158
    Comparison of appropriations by departments and establishments 3055
    Discretionary grants:
      Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
      Contract authorization, liquidation of (highway trust fund) 159
      Obligations, limitation on (highway trust fund) 159
    Formula grants 39, 159
      Comparison of budget estimates and appropriations to liquidate contract authorizations 3073
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3148
    Interstate transfer grants—Transit 159
    Research, training, and human resources 159
    Washington metro 159
Treasury, Department of the:
  Alcohol, Tobacco and Firearms, Bureau of:
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091
    Salaries and expenses 40, 479
  Chronological history of regular annual and supplemental appropriation bills 3064, 3066
  Comparison of appropriations by departments and establishments 3056
  Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3206
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
  Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3175
  Customs Service, U.S.:
    Airports, Customs services at (to be derived from fees collected) 481
    Customs forfeiture fund (limitation on availability of deposits) 480
      Drug supplemental 527
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3092, 3157
    Operation and maintenance, air interdiction program 480
      Drug supplemental 527
    Permanent appropriations:
      Federal funds 3027
      Trust funds 3042
    Salaries and expenses 480
      Drug supplemental 527
  Departmental Offices:
    Permanent appropriations:
      Federal funds 3027
      Trust funds 3041
  Federal Law Enforcement Training Center 39
    Salaries and expenses 479
  Financial Management Service:
    Permanent appropriations:
      Federal funds 3027
      Trust funds 3041
    Salaries and expenses 479
  General provisions 483
  Internal Revenue Service:
    Administrative provisions 40, 482
    Examinations and appeals 40, 481
    Investigation, collection and taxpayer service 40, 482
    Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091

- Treasury, Department of the—Continued
  - Internal Revenue Service—Continued
    - Permanent appropriations—Federal funds 3027
    - Salaries and expenses 481
    - Tax returns, processing 40, 481
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3091, 3119, 3151
  - Mint, U.S.:
    - Expansion and improvements 481
    - Permanent appropriations—Federal funds 3027
    - Salaries and expenses 481
  - Public Debt, Bureau of the: Public debt, administering the 481
  - Public debt, interest on the: Permanent appropriations—Federal funds 3028
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3161, 3162
  - Revenue Sharing, Office of: Salaries and expenses 76
  - Secretary, Office of the:
    - Fund anticipation notes, investment in 162
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3149
    - International affairs 478
    - Salaries and expenses 478
  - Secret Service, U.S.:
    - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3157
    - Permanent appropriations—Federal funds 3028
    - Puerto Rico, payment to the Government of:
      - Drug supplemental 528
      - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3157
    - Salaries and expenses 482
      - Drug supplemental 527
- Treasury, Postal Service, and general government appropriations bill, 1987 173
  - Aviation safety 539
  - Chronological history of regular annual and supplemental appropriation bills 3064, 3064
  - General provisions 492, 496
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3151, 3155
  - Metropolitan Washington airports 542
  - Omnibus Drug Supplemental Appropriations Act of 1987 523
  - Paperwork reduction reauthorization 503
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049, 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3161
  - School lunch and child nutrition amendments 529
  - Transfer of annual leave and sick leave 502

U

- Urgent Supplemental Appropriations Act, 1986 5
  - Chronological history of regular annual and supplemental appropriation bills 3064, 3066
  - General provisions 42
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3081
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3161
- Urgent Supplemental Appropriations for the Department of Agriculture, 1986 1
  - Chronological history of regular annual and supplemental appropriation bills 3064
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3079
  - Recapitulation of appropriations by acts, irrespective of fiscal years 3049
  - Recapitulation of itemized estimates and new budget (obligational) authority 3161
- U.S. Holocaust Memorial Council: Holocaust Memorial Council 454
  - Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3129

V

- Veterans act:
  - Act relating to: Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 2965
  - Authorizations for appropriations, public debt transactions, and contract authorizations approved during the 2d session of the 99th Congress 3078

Page

Veterans Administration:
- Administrative provisions 25, 79
- Comparison of appropriations by departments and establishments 3056
- Comparison of budget estimates, appropriations, and rescissions by fiscal years arranged by departments and establishments 3206
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1986, arranged by agencies 3177
- Comparison of budget estimates, appropriations, and rescissions, fiscal year 1987, arranged by departments and establishments 3175
- Compensation and pensions 24, 76
- Construction:
  - Major projects 77
  - Minor projects 78
- Construction of State extended care facilities, grants for 78
- Direct loan revolving fund 78
- General operating expenses 77
  - Transfer of funds 24
- Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3086, 3123
- Loan guaranty revolving fund (including transfer of funds) 78
- Medical administration and miscellaneous operating expenses 77
- Medical and prosthetic research 77
- Medical care 76
  - Transfer of funds 24
- Parking garage revolving fund (including transfer of funds) 78
- Permanent appropriations—Trust funds 3042
- Philippines, grants to the Republic of the 78
- Readjustment benefits 24, 76
- Recapitulation of appropriations by acts, irrespective of fiscal years 3048
- Veterans insurance and indemnities 76
- Veterans job training (transfer of funds) 24

W

Washington Metropolitan Area Transit Authority:
- Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3149
- Interest payments 163

Woodrow Wilson International Center for Scholars:
- Itemized comparisons of budget estimates, appropriations and rescissions arranged by acts 3128
- Salaries and expenses 451

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